

Defendant NICHOLAS JAMES BLOCKER is a resident of Sarasota, Wyoming and may be served with process by serving the Chairman of Texas Transportation Commission, 125 E. 11th St., Austin, Texas, 78701.

Defendant ENERGY TRANSPORTATION, INC., d/b/a ENERGY TRANSPORTATION, LLC is a Wyoming corporation doing business in Texas and may be served with process by serving its Registered Agent, Bradley Deluca, 1221 Lamar, Suite 1000, Houston, Texas, 77010.

III.

Venue & Jurisdiction

Venue is proper in El Paso County, Texas, pursuant to Tex.Civ.Prac. & Rem. Code §15.002(a)(1) because El Paso County, Texas, is the county in which all or a substantial part of the events or omissions giving rise to the underlying claim occurred. Jurisdiction is proper in this Texas state Court in that Plaintiff has asserted damages within the jurisdictional limits of the Court.

IV.

Background and Facts

The injuries and damages suffered by Plaintiff and made the basis of this action arose out of a collision that occurred on or about December 13, 2013, on I-10 at or near Milepost 30 in El Paso, Texas. Plaintiff was traveling eastbound on I-10 in the left lane. Plaintiff had slowed/stopped for traffic ahead when Defendant BLOCKER, driving a vehicle owned or leased to Defendant ENERGY, suddenly, unexpectedly and violently struck the rear of Plaintiff's vehicle. Defendant BLOCKER was driving while intoxicated, negligently failed to keep a proper lookout and failed to pay attention while driving, causing him to collide with the rear of Plaintiff's vehicle and thereby causing Plaintiff to sustain serious injuries more fully set out below.

Attached hereto as **Exhibit "G"** is the Texas Peace Officer's Crash Report, which corroborates the facts as alleged by Plaintiff herein.

V.
Negligence of Defendant Blocker

Plaintiff alleges that the collision and resulting damages and injuries to her were proximately caused by one or more of the following alternative theories of negligence on the part of Defendant BLOCKER in:

1. Driving while intoxicated
2. Failing to drive as a reasonable prudent driver;
3. Failing to pay attention;
4. Failing to keep a proper lookout;
5. Failing to take proper evasive action;
6. Failure to safely apply brakes to avoid a collision;
7. Failure to honk and give adequate warning of the pending danger;
8. Failure to turn to the left or right to avoid a collision;
9. Driving carelessly;
10. Driving recklessly;
11. Failure to control the vehicle to avoid injuring other drivers; and,
12. Failure to take other evasive actions.

Each of the above-alleged acts and/or omissions was other than what a reasonable and prudent person would have done under the same or similar circumstances, and was the proximate cause of damages to Plaintiff.

VI.
Negligence Per Se

Said incident and Plaintiff's injuries and damages were proximately caused by Defendant BLOCKER'S violations of the laws of the State of Texas and of the United States of America constituting *negligence per se*. Defendant BLOCKER was operating the vehicle in violation of the Texas Statutes and Ordinances by driving while intoxicated.

VII.

Gross Negligence

Plaintiff incorporates all the above paragraphs and would show the Court that Defendant BLOCKER was reckless and acted with conscious disregard to the rights of the public including the Plaintiff by operating the vehicle while intoxicated.

VIII.

Negligent Hiring, Training and Supervision of Defendant Energy

Defendant ENERGY had a duty to exercise due care in hiring, supervising, training and retaining employees. More particularly, Defendant had a duty to use ordinary care in hiring employees; a legal duty to protect the public including Plaintiff by inquiring into the competence and qualifications of employees; a legal duty to use ordinary care in adequately supervising their employees; and, a legal duty to use ordinary care to adequately train their employees.

Defendant ENERGY breached their duties and such breach was a direct and proximate cause of Plaintiff's injuries and damages.

Defendant ENERGY was negligent by breaching their duty to Plaintiff in one or more of the following alternative theories of negligence:

1. Failure to adequately train and supervise their driver.
2. Failure to ensure their driver did not drive while intoxicated.
3. Failure to implement safety precautions to prevent injuries such as those suffered by Plaintiffs in similar circumstances.
4. In failing to establish and enforce safety rules and regulations.
5. Failing to teach and educate their employees on the proper procedures under similar

circumstances.

One or more of the foregoing acts and omissions constituted negligence. For this, one or more of the foregoing acts or omissions was a proximate cause of the damages and injuries to Plaintiff.

IX.

Vicarious Liability of Defendant Energy

Plaintiffs would show that Defendant ENERGY is liable for the damages and injuries which were caused by the negligence of their employees, agents and representatives. Defendant ENERGY is liable for the acts or omissions of their employees and agents, including those of Defendant BLOCKER. In addition, Defendant ENERGY owed a duty of care to Plaintiff because of their right of control which arose through the course of dealing with their employees, agents or representatives. Defendant ENERGY is liable under the doctrine of respondeat superior; master/servant; principal; agent.

X.

Negligent Entrustment of Defendant Energy

Defendant ENERGY entrusted the vehicle involved in this incident to Defendant BLOCKER who was not properly trained to drive their vehicle and failed to assure that he followed Federal Motor Vehicle Transportation Acts, the Rules of the Road and Texas Statutes.

Defendant ENERGY entrusted the vehicle to Defendant BLOCKER knowing that he was unqualified, untrained in operating their vehicles. Defendant ENERGY placed the public and other drivers in danger. Such negligence was a proximate cause of Plaintiff's injuries and damages.

Defendant ENERGY knew or should have known that BLOCKER was a reckless driver

and had unsafe driving practices, and did not conduct safe hiring practices because they did not test their employees for safe driving techniques causing their employee BLOCKER to be unsafe to other drivers and that BLOCKER should not have been driving on the street and that BLOCKER was a danger to the community and driving public.

Defendant ENERGY acted with reckless disregard in the entrustment of the vehicle to Defendant BLOCKER.

XI.

Damages to Plaintiff

As a direct result of the occurrence, Plaintiff suffered bodily injuries. Plaintiff was immediately taken by ambulance to Del Sol Medical Center for treatment of her injuries. Plaintiff sustained injuries to her back, left arm and right knee. She was diagnosed with thoracic/lumbar sprain/strain, lumbar spondylosis, chest contusion, left knee contusion, left knee sprain/strain, muscle spasms and post-traumatic headaches. Plaintiff continued having severe pain to her left knee and after an MRI was diagnosed with a medial meniscus tear, and internal derangement that necessitated surgery on January 14, 2015. Plaintiff had to endure the surgery and rigorous physical therapy after the surgery. As a further result of the occurrence, Plaintiff has incurred expenses for medical care, nursing services, medical attention and other expenses. These expenses incurred were necessary for the care and treatment of the injuries sustained by Plaintiff and the charges made and to be made were the usual and customary charges for such services.

As a direct result of the occurrence, Plaintiff has suffered pain and suffering in the past and Plaintiff will continue to suffer pain and suffering in the future. Plaintiff has suffered mental anguish in the past and will continue to suffer mental anguish in the future. As a result of the occurrence, Plaintiff has suffered and will continue to suffer impairment to her body. Plaintiff

has suffered damages within the jurisdictional limits of this Court.

Plaintiff was also prevented from working and has lost wages. She was also unable to perform her daily activities as a direct result of the subject accident and will continue to be unable to perform her daily activities in the future. Plaintiff has suffered physical pain and suffering in the past and will continue to suffer physical pain and suffering in the future. Plaintiff has suffered mental pain and anguish in the past and will continue to suffer mental pain and anguish in the future. Plaintiff has suffered emotional distress in the past and will continue to suffer emotional distress in the future. As a result of the injuries described above, Plaintiff has suffered and will continue to suffer impairment to her body. Plaintiff has suffered disfigurement in the past and will continue to suffer disfigurement in the future.

In all reasonable probability, Plaintiff will suffer a loss of earning capacity in the future because of the injuries sustained in the subject collision, which was proximately caused by the Defendant's negligence.

The determination of many of these elements of damage is particularly within the province of the jury. Plaintiff does not at this time seek any certain amount of damages for any of these particular elements of damage, but would instead rely upon the collective wisdom of the jury to determine an amount that would fairly and reasonably compensate her.

In compliance with the pleading requirements of *Tex.R.Civ.P.* 47(c), Plaintiff seeks monetary relief of no more than **\$75,000.00** which includes damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney's fees.

XII.

REQUEST FOR DISCLOSURE

Plaintiff hereby requests that the Defendants disclose, within fifty-one (51) days of service

of this request, the information and material set forth in Rule 194.1(a)-(1) of the Texas Rules of Civil Procedure.

XIII.

REQUEST FOR ADMISSIONS

Pursuant to the Texas Rules of Civil Procedure 198, you are required to make a written response to these requests, attached hereto as **EXHIBITS "A & B", FIFTY ONE (51) DAYS** after service:

- (1) Admit the truth of any matter within the scope of discovery. (2) Admit the truth of any statements of opinion or of fact or of application of law to fact. (3) Admit the genuineness of any documents served with this request or otherwise made available for inspection or copying. (4) Admit or deny each of the attached requests for admissions. **You are also instructed as follows:**(1) Unless you state an objection or assert a privilege, you must specifically admit or deny the request or explain in detail the reasons that you cannot admit or deny the request. (2) Your response must fairly meet the substance of the request. (3) You may qualify an answer, or deny a request in part, only when good faith requires.(4) Lack of information or knowledge is not a proper response unless you state that a reasonable inquiry was made but that the information or known or easily obtainable is insufficient to enable the responding party to admit or deny. (5) An assertion that the request presents an issue for trial is not a proper response. (6) You are reminded that if you fail to timely respond, the request is considered admitted without the necessity of a court order. (7) If you deny a request for admission and the Plaintiff proves the truth of such matter you may be ordered to pay costs. (8) Your failure to respond as required by the Texas Rules of Civil Procedure to these requests within the time required may result in the

imposition of sanctions.

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XIV.
INTERROGATORIES AND PRIVILEGE LOG

Please take notice that pursuant to Rules 192 and 197 of the Texas Rules of Civil Procedure, Plaintiff serves and propounds the attached interrogatories, marked hereto as **Exhibit "C & D"** on Defendants. The attached interrogatories are incorporated by reference as if set forth fully at length. Defendants are hereby instructed to answer the following interrogatories separately, fully, in writing under oath as required by Rule 197.2(d) of the Texas Rules of Civil Procedure. The answers shall be served upon the undersigned counsel within fifty-one (51) days after service of the interrogatories. Further, demand is made for supplementation of your answers to the interrogatories as required by the Texas Rules of Civil Procedure. **PRIVILEGE LOG** – Pursuant to Texas Rules of Civil Procedure 193.3(b), Plaintiff requests that Defendants identify the information and material withheld. Demand is hereby made that the identity of the information and material withheld be disclosed within FIFTY ONE (51) days after the date hereof.

XV.
PRODUCTION AND PRIVILEGE LOG

Please take notice that pursuant to Rule 196 of the Texas Rules of Civil Procedure, Defendants are requested to produce and or permit the undersigned attorney to inspect, copy and reproduce the items hereinafter designated in **Exhibit "E & F"** attached hereto and incorporated by reference as if set forth fully at length. You must serve a written response to the undersigned attorney within fifty-one (51) days after service of this Request for Production with regards to the items requested therein. Further, demand is made for supplementation of your Responses to the Request for Production as required by the Texas Rules of Civil Procedure. **PRIVILEGE LOG** -

Pursuant to Texas Rules of Civil Procedure 193.3(b), Plaintiff requests that Defendants identify the information and material withheld. Demand is hereby made that the identity of the information and material withheld be done within FIFTY ONE (51) days after date hereof.

XVI.
JURY DEMAND

Plaintiff respectfully requests a trial by jury of the issues presented in this case.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer, and that on final trial, Plaintiff have judgment against Defendants for monetary relief of no more than **\$75,000.00**, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees. Plaintiff further prays for such other relief, general and special, at law or in equity, to which Plaintiff is entitled,

Respectfully submitted,

LAW FIRM OF DANIELA LABINOTI, P.C.
Attorney for Plaintiff
501 N. Kansas, Suite 102
El Paso, Texas 79901
(915) 581-4600 voice
(915) 581-4605 facsimile
Daniela@labinotilaw.com

/s/ Daniela Labinoti
DANIELA LABINOTI
State Bar No.: 24050900

INSTRUCTIONS

Pursuant to the provisions of Tex. R. Civ. P. Rule 190.3, Plaintiff serves upon Defendants this Level 2 set of disclosure requests, written interrogatories, and requests for production, and requests that said Defendants answer the disclosure requests, interrogatories, and produce for inspection and copying (unless otherwise indicated) the documents and things set out below. Pursuant to Rule 190 and 193, you are requested to (1) number each item which will be produced pursuant to these Requests for Disclosure, Written Interrogatories, and Request for Production with a separate and distinct number or similar identifying designation and (2) to file your written response to these requests for disclosure, written interrogatories, and request for production stating, with regard to each numbered request, the identification or exhibit numbers of the specific items being answered or produced in response to each such Request for Disclosure, Written Interrogatory, or Request for Production. Documents or things which are required to be produced in response to more than one request may be listed by number in response to each request, but the document or thing itself need only be produced one time. All documents or things to be produced are to be forwarded to the undersigned attorneys attached to or together with your written response.

Plaintiff specifies after fifty-one (51) days from the date of service of these disclosure requests, written interrogatories, and requests for production in the offices of Plaintiff's attorney, Daniela Labinoti, Law Office of Daniela Labnotti, P.C., 501 N. Kansas, Suite 102, El Paso, Texas 79901, as time and place of making such inspection and copying, unless requested items are furnished to Plaintiff's attorney by mail prior to such date.

EXHIBIT "A"

REQUEST FOR ADMISSIONS TO DEFENDANT BLOCKER

1. That on or about the **December 13, 2013**, the vehicle you were driving collided with Plaintiff's vehicle.
2. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you failed to control your speed before your vehicle collided with Plaintiff's vehicle.
3. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you failed to control your vehicle to avoid the collision with Plaintiff's vehicle.
4. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, there were no obstructions to your vision.
5. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you were traveling at a speed that would not allow you to bring your vehicle to a complete stop without colliding with Plaintiff's vehicle.
6. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you did not see the Plaintiff's vehicle with enough time to take sufficient action to avoid the collision.
7. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, there was not enough distance between your vehicle and the Plaintiff's vehicle to insure that your vehicle would not collide with Plaintiff's vehicle.
8. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you did not apply the brakes on your vehicle before your vehicle collided with Plaintiff's vehicle.
9. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you did not apply the brakes on your vehicle with enough time to insure that your vehicle would not collide with Plaintiff's vehicle.
10. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you did not maintain a safe distance as you approached the Plaintiff's vehicle.
11. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, that this collision was avoidable.
12. That on the date stated in Request No. 1 and at the time of the collision made the basis of

- this suit, that this collision was not the result of any sudden and unforeseen emergency.
13. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit that Plaintiff's conduct did not contribute to this accident.
 14. Plaintiff has properly named this Defendant in Plaintiff's original complaint.
 15. Defendant was driving the vehicle as described in the police report, Exhibit "G", and was involved in a collision on that date while driving.
 16. That, at the time of the collision, Defendant owned the vehicle involved in the collision.
 17. That, on the date of the collision, Defendant did not have a valid driver's license.
 18. That, on the date of the collision, Defendant's driver's license was revoked or suspended.
 19. That, on the date of the collision, Defendant was violating a restriction placed on his driver's license.
 20. That the condition of the road surface did not contribute to the cause of the collision.
 21. That the lighting conditions did not contribute to the cause of the collision.
 22. That the weather conditions did not contribute to the cause of the collision.
 23. That a sudden emergency did not contribute to the cause of the collision.
 24. That Defendant does not contend the collision was unavoidable.
 25. That no defect or malfunction in the vehicle Defendant was driving contributed to the cause of the collision.
 26. That Defendant does not have normal vision without the use of corrective lenses.
 27. That Defendant was not wearing corrective lenses at the time of the collision.
 28. That Defendant was under the care of a medical practitioner or other practitioner of the healing arts during the month before the collision.
 29. That Defendant was not injured as a result of the collision.
 30. That on the date of the collision, Defendant's vehicle struck Plaintiff's vehicle.
 31. That on the date of the collision, Defendant did not maintain a proper lookout while driving his vehicle.

32. That Defendant's failure to maintain a proper lookout immediately before the collision was the proximate cause of Defendant's vehicle striking the Plaintiff's vehicle.
33. That Defendant was under the influence of drugs or alcohol when the collision occurred.
34. That Defendant had ingested drugs or alcohol within the 24 hours before the collision.
35. That Defendant had consumed alcohol within four hours before the collision.
36. That Defendant's negligence was the sole proximate cause of the collision in question.
37. That Defendant's negligence was a proximate cause of the collision in question.
38. That on the date in Request No. 1, Defendant was arrested.
39. That on the date in Request No. 1 Defendant was arrested for driving while intoxicated.
40. That on the date in Request No. 1 Defendant was cited for driving while intoxicated.
41. That Plaintiff did not contribute any negligence to the cause of the collision in question.
42. That Plaintiff received injuries to several parts of her bodies as a result of the collision.

EXHIBIT B

REQUEST FOR ADMISSIONS TO DEFENDANT ENERGY

1. That on or about the **December 13, 2013**, the vehicle driven by Defendant BLOCKER collided with Plaintiff's vehicle.
2. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, ENERGY'S driver failed to control his speed before his vehicle collided Plaintiff's vehicle.
3. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, Defendant ENERGY'S driver failed to control his speed and collided with Plaintiff's vehicle.
4. That on the date stated in Request No. 1, at the time of the collision, ENERGY'S driver did nothing to avoid the collision with Plaintiff's vehicle.
5. That, at the time of the collision, Defendant ENERGY owned the vehicle involved in the collision.
6. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, ENERGY'S driver did not see the Plaintiff's vehicle with enough time to take sufficient action to avoid the collision.
7. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, ENERGY'S driver did not see the Plaintiff's vehicle with enough time to take sufficient action to avoid the collision.
8. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, there was not enough distance between ENERGY'S vehicle and the Plaintiff's vehicle to insure that ENERGY'S vehicle would not collide with Plaintiff's vehicle.
9. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, ENERGY'S driver did not apply the brakes on his vehicle before he vehicle collided with the Plaintiff's vehicle.
10. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, ENERGY'S driver did not pay attention and avoid the impact with Plaintiff's vehicle.
11. Plaintiff has properly named Defendants ENERGY in Plaintiff's original complaint.
13. Defendant BLOCKER was driving the vehicle as described in the police report, Exhibit "G". and was involved in a collision on that date while driving.
14. That, at the time of the collision, Defendant ENERGY leased the vehicle from Defendant

BLOCKER.

15. That the condition of the road surface did not contribute to the cause of the collision.
16. That the lighting conditions did not contribute to the cause of the collision.
17. That the weather conditions did not contribute to the cause of the collision.
18. That a sudden emergency did not contribute to the cause of the collision.
19. That Defendant does not contend the collision was unavoidable.
20. That Defendant ENERGY'S driver does not have normal vision without the use of corrective lenses.
21. That Defendant BLOCKER was not wearing corrective lenses at the time of the collision.
22. That Defendant BLOCKER was under the care of a medical practitioner or other practitioner of the healing arts during the month before the collision.
23. That on the date of the collision, Defendants ENERGY'S vehicle struck Plaintiff's vehicle.
24. That on the date of the collision, Defendant ENERGY'S driver did not maintain a proper lookout while driving his vehicle.
25. That Defendant ENERGY'S driver's failure to maintain a proper lookout immediately before the collision was the proximate cause of Defendant's vehicle striking Plaintiff's vehicle.
26. That Defendant ENERGY'S driver was under the influence of drugs or alcohol when the collision occurred.
27. That Defendant ENERGY'S driver had ingested drugs or alcohol within the 24 hours before the collision.
28. That Defendant ENERGY'S driver had consumed alcohol within four hours before the collision.
29. That Defendants ENERGY'S driver's negligence was the sole proximate cause of the collision in question.
30. That the negligence of Defendants ENERGY'S driver was a proximate cause of the collision in question.
31. That on the date of the collision, Defendant ENERGY'S driver did not maintain a proper lookout while driving his vehicle.
32. That Defendant's ENERGY'S driver's failure to maintain a proper lookout immediately before

the collision was the proximate cause of Defendant's vehicle striking Plaintiff's vehicle.

33. That Plaintiff did not contribute any negligence to the cause of the collision in question.
34. That Plaintiff received injuries to several parts of her body as a result of the collision.

EXHIBIT "C"

INTERROGATORIES PROPOUNDED ON DEFENDANT BLOCKER

1. State your name, address, telephone number, cell phone number, cellular provider on the date and at the time of the incident which serves as the basis of the underlying lawsuit, your social security number and date and place of birth.
2. Describe in detail you employment status at the present time and at the time of the subject incident, job title and job description, date of commencement and/or termination of employment and salary at such time.
3. On the date of the incident, describe in detail the vehicle you were driving. If you will, please include information on ownership and the operating condition of the vehicle.
4. State the name, address and phone number of any person who examined the vehicle for damages arising from this incident.
5. Was the vehicle that you were operating at the time of the subject accident damaged? If so, describe the damage, state whether it has been repaired, who repaired it and the cost of repairs.
6. Please state the registered owner of the subject vehicle.
7. Did you give a statement to anyone regarding the incident and if so, indicate the name, address and telephone number of the person to whom you gave the statement, contents of the statement, and if you gave more than one statement, give the same information regarding each statement.
8. Describe in detail the incident and each act or omission of each person in the incident. Please direct your attention to the following details in answering this Interrogatory:
 - a. Please state everything that you did, in the order in which it was done, in an attempt to avoid the subject vehicular collision. If you applied the brakes or horn at any time prior to the incident, please state as to your motor vehicle, the speed and the approximate distance in feet from the point of the incident when you so applied the brakes or horn, stating what was used. If there were any tire marks or any other marks on the road as a result of the incident, kindly describe the marks on the road as a result of the incident, kindly describe the marks in detail giving the length and location on the road surface and identify which motor vehicle cause each mark.
 - b. Please state everything you did, or failed to do, which contributed to the incident.

- c. If there were any obstructions to your view at or near the scene of the incident, please describe each such obstruction in detail, giving its location with relation to the incident.
 - d. If at the time and place of the incident the visibility of the intersecting road was limited or decreased from normal in any way due to glare, design, obstacles, weather or other condition, please describe in complete detail each and every such condition and every action taken to overcome or diminish the adverse effect of each such condition.
 - e. If there were any traffic controls, speed limit signs, signals, lights or other devices located at or near the place of the incident which were in any way involved in the happening of the incident, please describe such control or device indicating the direction of traffic controlled by such device and the manner in which it was involved in the incident.
9. State in detail any damages you claim to have sustained from the incident.
10. Describe in detail any citation, arrest, claim or other charge that may have been issued to you as a result of the incident, including grounds for same and the result of any hearing or judgment on the same, the date of such hearing or judgment and any fine, sentence or other penalty imposed.
11. State in detail any drug or alcohol taken or consumed by you within 72 hours of the incident and any regular drug you had taken at any time within the past year. If alcohol or drug was taken, include the time and date such alcohol was consumed, the name, address and phone number of the provider of the alcohol or drug, the exact name and brand of alcohol, the alcoholic content, type of alcohol or drug, quantity consumed and name, address and phone number of all persons who have knowledge of relevant facts concerning consumption of alcohol.
12. Describe in detail any insurance covering or potentially covering any claim arising from the occurrence, including types of coverage, limits of coverage, name and address of insurance company, policy number and whether such policy was in effect and paid at the time of the incident. If you will do so without a request to produce, please include a copy of the insurance policy and proof of payment.
13. Describe in detail any other arrests, convictions, accidents, incidents, license suspension or revocation or traffic citations you have been involved in. Include the dates, location, name, parties, witnesses, nature and extent of damages, hearings, lawsuits, orders, fines, penalties, judgments or convictions arising therefrom, including the details of driver's license, suspension or revocation actions, if any.

14. Please state your driver's license number, state of issuance, expiration date, any other states you are or have been licensed to operate a motor vehicle, and driver's license number for those states.
15. Please state the date you were first licensed to drive if your driver license was suspended or not renewed.
16. Please state any restrictions that are placed on your ability to drive (e.g. corrective lenses).
17. If you have been convicted of any felony or misdemeanor within the last ten (10) years, please provide the following information:
 - a. The offense(s) for which you were convicted.
 - b. The state(s) and date(s) of any such conviction(s)
 - c. A description of any sentence(s) or punishment served (this includes restitution, probation, etc.).

PURSUANT TO TEXAS RULES OF EVIDENCE 609, THIS IS YOUR ADVANCE WRITTEN NOTICE THAT WE INTEND TO USE ANY ADMISSIBLE INFORMATION ABOUT YOUR CRIMINAL HISTORY AT THE TRIAL OF THIS LAWSUIT.

16. Please describe what Plaintiff did that, in your opinion, makes her negligent in the incident which serves as the basis of the underlying lawsuit.
17. Please state who paid for the damages to the vehicle you were driving at the time of the subject vehicular collision.
18. Please state if you received injuries as a result of the accident in question.
19. Please list any other prior or subsequent accidents you has been involved.
20. State the names, addresses and phone number of all persons who you will call to testify and a summary of their testimony.
21. State the name, address and phone numbers of all persons who witnessed the accident in question.
23. Identify the names, addresses and phone numbers of all individuals who were passengers in your vehicle at the time of the subject accident.
24. Describe in detail the act or omission of each person whose negligence contributed to the occurrence in question.

EXHIBIT "D"
INTERROGATORIES PROPOUNDED ON DEFENDANT ENERGY

1. State your driver's name, address, telephone number, cell phone number, cellular provider on the date and at the time of the incident which serves as the basis of the underlying lawsuit, your social security number and date and place of birth.
2. Describe in detail your driver's employment status at the present time and at the time of the subject incident, job title and job description, date of commencement and/or termination of employment and salary at such time.
3. On the date of the incident, describe in detail the vehicle your driver was driving. If you will, please include information on ownership and the operating condition of the vehicle.
4. State the name, address and phone number of any person who examined the vehicle for damages arising from this incident.
5. Was the vehicle that your driver was operating at the time of the subject accident damaged? If so, describe the damage, state whether it has been repaired, who repaired it and the cost of repairs.
6. State the registered owner of the subject vehicle.
7. Describe in detail the incident and each act or omission of each person in the incident.

Please direct your attention to the following details in answering this Interrogatory:

- a. Please state everything that Defendant BLOCKER did, in the order in which it was done, in an attempt to avoid the subject vehicular collision. If you applied the brakes or horn at any time prior to the incident, please state as to Defendant BLOCKER'S motor vehicle, the speed and the approximate distance in feet from the point of the incident when he applied the brakes or horn, stating what was used. If there were any tire marks or any other marks on the road as a result of the incident, kindly describe the marks on the road as a result of the incident, and describe the marks in detail giving the length and location on the road surface and identify which motor vehicle cause each mark.
- b. Please state everything Defendant BLOCKER did, or failed to do, which contributed to the incident.
- c. If there were any obstructions to Defendant BLOCKER'S view at or near the scene of the incident, please describe each such obstruction in detail, giving its location with relation to the incident.

- d. If at the time and place of the incident the visibility of the intersecting road was limited or decreased from normal in any way due to glare, design, obstacles, weather or other condition, please describe in complete detail each and every such condition and every action taken to overcome or diminish the adverse effect of each such condition.
 - e. If there were any traffic controls, speed limit signs, signals, lights or other devices located at or near the place of the incident which were in any way involved in the happening of the incident, please describe such control or device indicating the direction of traffic controlled by such device and the manner in which it was involved in the incident.
- 8. State in detail any damages you claim to have sustained from the incident.
- 9. Describe in detail any citation, arrest, claim or other charge that may have been issued to your driver as a result of the incident, including grounds for same and the result of any hearing or judgment on the same, the date of such hearing or judgment and any fine, sentence or other penalty imposed.
- 10. State in detail any drug or alcohol taken or consumed by your driver within 72 hours of the incident and any regular drug your driver had taken at any time within the past year. If alcohol or drug was taken, include the time and date such alcohol was consumed, the name, address and phone number of the provider of the alcohol or drug, the exact name and brand of alcohol, the alcoholic content, type of alcohol or drug, quantity consumed and name, address and phone number of all persons who have knowledge of relevant facts concerning consumption of alcohol.
- 11. Describe in detail any insurance covering or potentially covering any claim arising from the occurrence, including types of coverage, limits of coverage, name and address of insurance company, policy number and whether such policy was in effect and paid at the time of the incident. If you will do so without a request to produce, please include a copy of the insurance policy and proof of payment.
- 12. Describe in detail any other arrests, convictions, accidents, incidents, license suspension or revocation or traffic citations your driver has been involved in. Include the dates, location, name, parties, witnesses, nature and extent of damages, hearings, lawsuits, orders, fines, penalties, judgments or convictions arising therefrom, including the details of driver's license, suspension or revocation actions, if any.
- 13. Please state your driver's license number, state of issuance, expiration date, any other states he is or has been licensed to operate a motor vehicle, and driver's license number for those states.
- 14. Please state the date your driver was first licensed to drive and if his license has ever been suspended or not renewed.

15. If your driver has been convicted of any felony or misdemeanor within the last ten (10) years, please provide the following information:
- a. The offense(s) for which he was convicted.
 - b. The state(s) and date(s) of any such conviction(s)
 - c. A description of any sentence(s) or punishment served (this includes restitution, probation, etc.).

PURSUANT TO TEXAS RULES OF EVIDENCE 609, THIS IS YOUR ADVANCE WRITTEN NOTICE THAT WE INTEND TO USE ANY ADMISSIBLE INFORMATION ABOUT YOUR CRIMINAL HISTORY AT THE TRIAL OF THIS LAWSUIT.

16. Please describe what Plaintiff did that, in your opinion, makes her negligent in the incident which serves as the basis of the underlying lawsuit.
16. Please state the relationship between you and Defendant BLOCKER, indicating in your answer if he was an employee, independent contractor, etc., and state the length of time the relationship has existed.
18. Please list any other prior or subsequent accidents your driver has been involved.
19. State the names, addresses and phone number of all persons who you will call to testify and a summary of their testimony.
20. State the name, address and phone numbers of all persons who witnessed the accident in question.
22. Describe in detail the act or omission of each person whose negligence contributed to the occurrence in question.
23. Identify the names, addresses and phone numbers of all individuals who were passengers in your vehicle at the time of the subject accident.

EXHIBIT "E"

REQUEST FOR PRODUCTION TO DEFENDANT BLOCKER

1. Inspection and photographing of Defendant's vehicle.
2. The Declaration Sheet and policy of insurance insuring Defendant in this claim.
3. Any photographs, drawing, sketches, video recordings, motion pictures, tapes, recordings, graphic depiction or other tangible evidence concerning the scene of the accident, the vehicle involved in the collision or the parties or witnesses to this case.
4. All statements made by Plaintiff.
5. All damages, estimates, maintenance records, and pictures of Defendant's vehicle involved in the collision made the subject of this suit.
6. All investigation reports, accident reports, statements by witnesses (oral or recorded) concerning the accident made the subject of this suit which were generated prior to your receipt of notice from Plaintiff's attorney that Plaintiff was making a claim.
7. Copy of your driving and accident record.
8. Any documents showing the names, addresses and phone number of all persons with knowledge of relevant facts regarding any matter in any way related to the issues involved in this lawsuit.
9. Any and all reports, mental impressions, opinions, notes, resumes, physical models, compilations of data, statement or other written materials of any kind from any expert witness who will testify in this case or whose work product forms a basis either in whole or in part of the opinion of an expert who is to be called as an expert. If the discoverable factual observations, test, supporting data, calculations, photographs or opinions of any such expert witness who will be called as a witness have not been recorded or reduced to tangible form, those matters are hereby requested to be reduced to tangible form and produced.
10. Photographs and videotapes identified in your response to the Interrogatories.
11. Narrative summaries prepared by any person identified in your response to the Interrogatories.
12. Photographs and videotapes of any surveillance of Plaintiff.
13. All medical records of Plaintiff received by Defendant.
14. All incident reports for any injury suffered by Plaintiff.

15. All documents where Plaintiff's signature is contained on the document.
16. All documents obtained pursuant to any authorization signed by Plaintiff.
17. All documents concerning any alleged criminal violation committed by Plaintiff.
18. All photographs or videotapes taken by Defendant in response to Plaintiff's alleged injuries including, but not limited to, all videos or photographs taken by any private investigator for which Defendant has access to the photographs or videotapes.
19. All medical records of Plaintiff received from any source.
20. All documents concerning any of Plaintiff's previous or subsequent employers obtained by Defendant.
21. A copy of the accident report or any incident report prepared relating to this accident.
22. Pursuant to Texas Rules of Evidence 609, please produce all documents you have which suggests Plaintiff, Defendant, or any witness identified in this lawsuit, including expert and consulting witnesses, has been convicted of a crime which was a felony or one which involved moral turpitude. Please state the nature of the crime, date of conviction, court/county of conviction, disposition, and if probation was imposed, please state if the probation was successfully completed.

PURSUANT TO TEX. R. EVID. 609, THIS IS YOUR ADVANCE WRITTEN NOTICE THAT WE INTEND TO USE ANY ADMISSIBLE INFORMATION ABOUT YOUR CRIMINAL HISTORY AT THE TRIAL OF THIS LAWSUIT.

23. Please produce a copy of your current driver's license, if any, both front and back.
24. Please produce a copy of your Social Security Card, if any, both front and back.
25. If you do not have a driver's license, please produce a copy of any current identification card or document, both front and back.
26. Please produce a true and correct copy of the registration, certificate of insurance and title certificate of the vehicle that you were driving at the time of the accident.
27. All documents pertaining to any other motor vehicle accidents in which you have been involved in during your lifetime.
28. Produce a copy of your cell phone statement showing incoming and outgoing calls for the month when the incident made the basis of this suit happened.

EXHIBIT "F"

REQUEST FOR PRODUCTION TO DEFENDANT ENRERGY

1. Complete personnel file of Defendant Nicholas James Blocker, including but not limited to the application for employment, disciplinary file, write ups, evaluation, incident reports, moving violations, MVR records, including employee evaluations and any worker's compensation, or worker's injury file, medical file, disciplinary and all other file subparts. For purposes of this request, "personnel file" is defined as any documents or information in your possession which relate to Plaintiff's employment with you, regardless of whether such information is maintained in different locations, files or folders.
2. Complete file of any relationship between Defendant and Defendant Nicholas James Blocker, i.e. employer/employee, leasor/leasee, or any other contractual relationship.
3. Any accident report form or incident report completed by Defendant Nicholas James Blocker in connection with the incident made the basis of this lawsuit.
4. Please provide any photos that depict the damages to the vehicle driven by Defendant Nicholas James Blocker on the day of the incident made subject of this suit.
5. Please provide any documents and/or tangible things that show the repairs and/or estimate of repairs, for the vehicle driven by Defendant Nicholas James Blocker on the day of the incident made subject of this suit.
6. Please produce all reprimands, write-ups involving Defendant Nicholas James Blocker in connection with the incident made the basis of this lawsuit.
7. Please produce any and all emails, letters, correspondence, investigation reports, statements, memos, notes, other than work product and/or attorney client communication involving the incident in question.
8. Please produce the entire medical records for the eye procedures, examination, prescription, treatment and entire medical file for the eye care/eye exams/procedures of eyes /glasses/contacts/disease/prescription for Defendant Nicholas James Blocker.
9. Please produce any communications, memos, change of status involving Defendant Nicholas James Blocker, including but not limited to his:
 - a) disqualification as a driver;
 - b) notice of resignation.
10. Please produce any documents and/or tangible things that show depict Defendant Nicholas James Blocker's disqualification as a driver after the incident in question.
11. Please produce any documents and/or tangible things that show depict all the assessments/evaluations of Defendant Nicholas James Blocker before the incident in question.

12. Please produce any documents and/or tangible things that show depict all the assessments/evaluations of Defendant Nicholas James Blocker after the incident in question.
13. Describe this Defendant. Please include information address of Defendant and net worth of Defendant.
14. Describe with particularity the relationships and agreements between the named Defendant and any other person, firm or entity with regard to the ownership, maintenance, inspection and repair of the vehicle made the subject of this suit.
15. Provide any and all documentation including videos, manuals, notebooks, pamphlets and posters, provided to or shown to Defendant Nicholas James Blocker at the time of hiring or during the course of his employment or other relationship with you relating to driver training, safety or driving while intoxicated.
16. Provide copies of any and all Employee Training Manuals or Employee Policy Manuals and all documents including internal company memoranda and e-mails evidencing the policies that apply to all individuals operating vehicles owned by your company, including but not limited to information on driving while intoxicated and overall drive safety.
17. Provide copies of any and all policies and procedures relating to any actions taken or to be taken by you when one of your vehicles is involved in an accident, including your policies or procedures for investigating such accidents.
18. Provide all documentation including videos, manuals, notebooks, pamphlets, posters and "company" or internal memoranda and e-mails given to or shown to your employees, contractors and/or drivers regarding driver safety, including but not limited to driving while intoxicated.
19. If your employees, contractors and/or drivers have received any training via courses or classes regarding safe driving practices, including but not limited to driving while intoxicated, provide all documentation showing attendance in such courses or classes by Defendant Blocker and all class or course material including videos, manuals, notebooks, pamphlets and posters received during such training.
19. Produce all working papers, notes, calculations, diagrams, photographs, models, exhibits, and other documents, including reports and factual observations, prepared or reviewed by any expert who will testify at trial.
20. Produce all photographs, videotapes, depictions, and drawings that depict or pertain in any way to the subject matter of this suit.
21. Produce all statements made by any person or their representatives relating the subject matter of this suit.
22. Produce all documents that contain impeachment or rebuttal evidence.
23. Produce all investigations, reports, or other documentation, other than privileged communications, regarding your investigation of the accident made the basis of this lawsuit.

EXHIBIT G

Law Enforcement and TxDOT Use ONLY

☐ FATAL ☐ CMV ☐ SCHOOL BUS ☐ RAILROAD ☐ MAB ☐ SUPPLEMENT ☐ ACTIVE SCHOOL ZONE

Texas Peace Officer's Crash Report (Form CR-3 1/1/2010)

Total
No. UI 3 Total
Num. Prsns. 4 TxDOT
Crash ID



Mail to: Texas Department of Transportation, Crash Records, P.O. Box 149348, Austin, TX 78714. Questions? Call (512) 486-5780
Refer to Attached Code Sheet for Numbered Fields

*= These fields are required on all additional sheets submitted for this crash (ex.: additional vehicles, occupants, injured etc.).

Page 1 of 4

* Crash Date (MM/DD/YYYY) 1 2 / 1 3 / 2 0 1 3		* Crash Time (24HRMM) 1 7 2 5		Case ID 13-347227		Local Use																																																																									
* County Name EL PASO				* City Name EL PASO		<input type="checkbox"/> Outside City Limit																																																																									
In your opinion, did this crash result in at least \$1,000 damage to any one person's property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				Latitude (decimal degrees)		Longitude (decimal degrees)																																																																									
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3 Street Prefix E		* Street Name MM30 I-10 EAST		4 Street Suffix HWY																																																																											
<input type="checkbox"/> Crash Occurred on a Private Drive or Road/Private Property/Parking Lot				<input type="checkbox"/> Toll Road/Toll Lane		Speed Limit 60																																																																									
Const. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Workers <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Street Desc ONE WAY, THREE LANE																																																																											
INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST INTERSECTING ROAD OR REFERENCE MARKER																																																																															
At <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		1 Rdwy. Sys. LR		Hwy. Num.		2 Rdwy. Part 1																																																																									
Block Num. 1200		3 Street Prefix		Street Name LOMALAND		4 Street Suffix DR																																																																									
Distance from Int. or Ref. Marker 0.50		<input type="checkbox"/> FT <input checked="" type="checkbox"/> MI		3 Dir. from Int. or Ref. Marker W		Reference Marker																																																																									
Street Desc TWO WAY, FIVE LANE,		RRX Num.																																																																													
Unit Num. 1		5 Unit Desc. 1		<input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Hit and Run		LP State WY																																																																									
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8 DL/D Type 1		DL/D State WY		DL/D Num. 105885495		9 DL Class 98																																																																									
10 CDL End. 98		11 DL Rest. 98		DOB (MM/DD/YYYY) 0 4 / 2 3 / 1 9 7 9																																																																											
Address (Street, City, State, ZIP) 720 W. MAIN, SARATOGA, WY 82331																																																																															
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<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Lessee		Owner/Lessee name & Address BLOCKER, NICHOLAS JAMES 720 W. MAIN, SARATOGA, WY 82331																																																																													
Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Expired <input type="checkbox"/> No <input type="checkbox"/> Exempt		26 Fin. Resp. Type 2		Fin. Resp. Name ALLIED PROPERTY & CASUALTY		Fin. Resp. Num. ACP-BAPC 7553660434																																																																									
Fin. Resp. Phone Num. 866-322-3214		27 Vehicle Damage Rating 1 1 2 F D 5		27 Vehicle Damage Rating 2		Vehicle Inventoried <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																																																																									
Towed By SUN CITY TOWING				Towed To MUNICIPAL VEHICLE STORAGE FACILITY																																																																											
Unit Num. 2		5 Unit Desc. 1		<input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Hit and Run		LP State TX																																																																									
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8 DL/D Type 1		DL/D State TX		DL/D Num. 00592155		9 DL Class C																																																																									
10 CDL End. 96		11 DL Rest. 96		DOB (MM/DD/YYYY) 0 4 / 2 3 / 1 9 6 2																																																																											
Address (Street, City, State, ZIP) 9133 SWEET ACACIA, EL PASO, TX 79907																																																																															
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Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Expired <input type="checkbox"/> No <input type="checkbox"/> Exempt		26 Fin. Resp. Type 2		Fin. Resp. Name FARMERS		Fin. Resp. Num. 44165034																																																																									
Fin. Resp. Phone Num. 915-771-6151		27 Vehicle Damage Rating 1 6 B D 5		27 Vehicle Damage Rating 2		Vehicle Inventoried <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																																																																									
Towed By SUN CITY TOWING				Towed To TOWED TO OWNER/DRIVER'S REQUEST																																																																											

ALL CASE ELEMENTS SUBJECT TO NEWSPUBLIC RECORD INFORMATION
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
PUBLIC RECORD ACT (2002-178 V.A.C.B.)

12/18/15 0926 17...

Law Enforcement and TxDOT Use ONLY.
Form CR-3 01/01/2010

Case ID

7227

TxDOT Crash ID

Page 2 of 4

DISPOSITION OF INJURED/KILLED	Unit Num.	Prsn. Num.	Taken To	Taken By	Date of Death (MM/DD/YYYY)	Time of Death (24HRMM)
	2	1	SIERRA PROVIDENCE EAST	FIRE MEDICAL SERVICE		
	2	2	SIERRA PROVIDENCE EAST	FIRE MEDICAL SERVICE		
	3	1	SIERRA PROVIDENCE EAST	FIRE MEDICAL SERVICE		

CHARGES	Unit Num.	Prsn. Num.	Charge	Citation/Reference Num.
	1	1	DRIVING WHILE INTOXICATED BAC >= 0.15	DIMS CASE

DAMAGE	Damaged Property Other Than Vehicles	Owner's Name	Owner's Address

CMV	Unit Num.	<input type="checkbox"/> 10,001+ LBS. <input type="checkbox"/> TRANSPORTING HAZARDOUS MATERIAL <input type="checkbox"/> 9+ CAPACITY	28 Veh. Oper.	29 Carrier ID Type	Carrier ID Num.
	Carrier's Corp. Name	Carrier's Primary Addr.			
	30 Rdwy. Access	31 Veh. Type	<input type="checkbox"/> RGWW <input type="checkbox"/> GVWR	HazMat Released <input type="checkbox"/> Yes <input type="checkbox"/> No	32 HazMat Class Num.
	33 Cargo Body Style	Trailer 1 Unit Num.	<input type="checkbox"/> RGWW <input type="checkbox"/> GVWR	34 Trlr. Type	Trailer 2 Unit Num.

FACTORS & CONDITIONS	Sequence Of Events	35 Seq. 1	35 Seq. 2	35 Seq. 3	35 Seq. 4	Total Num. Axles	Total Num. Tires

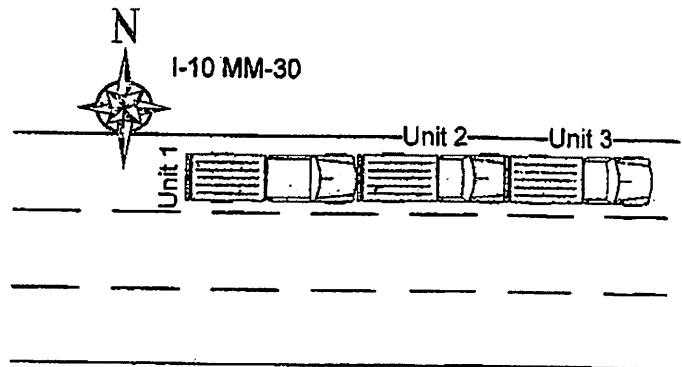
NARRATIVE AND DIAGRAM	36 Contributing factors (Investigator's Opinion)				37 Vehicle Defects (Investigator's Opinion)				Environmental and Roadway Conditions							
	Unit Num.	Contributing	May Have Contrib.		Contributing	May Have Contrib.			38 Weather Cond.	39 Light Cond.	40 Entering Roads	41 Roadway Type	42 Roadway Alignment	43 Surface Condition	44 Traffic Control	
	1	67		44					1	3	97	4	1	1	17	
	2															

Investigator's Narrative Opinion of What Happened
(Attach Additional Sheets If Necessary)

I-10 East MM-29 is a three lane, one way roadway running east. Unit # 1 was traveling on the inside lane when it struck Unit #2 from behind who was stopped for traffic. Unit #2 then struck Unit # 3 from Unit # 1's impact. Driver from Unit #2 claimed injuries to her head, neck and back and the passenger claimed injury to his head. Driver from Unit # 3 also claimed injuries to his head, neck and back. All injured parties were taken to Sierra Medical East to receive further medical treatment. There were no witnesses located at the scene. An incident report was also created utilizing the same case number (13-347227)

Indicate North

Field Diagram - Not to Scale



Time Notified (24HRMM)	1 7 2 6	How Notified	DISPATCHED	Time Arrived (24HRMM)	1 7 3 5	Report Date (MM/DD/YYYY)	1 2 / 1 3 / 2 0 1 3
Invest. <input checked="" type="checkbox"/> Yes Comp. <input type="checkbox"/> No	Investigator Name (Printed) NEVAREZ, EMILIANO						
ORI Num.	T X 0 7 1 0 2 0 0	* Agency	EL PASO POLICE DEPARTMENT				

PUBLIC RECORD INFORMATION

ALL CASE ELEMENTS SUBJECT TO RECORDS CLOSURE

HAVE BEEN REMOVED IN ACCORDANCE WITH THE

TEXAS OPEN RECORDS ACT. (GOVT. CASE)

6

* Agency EL PASO POLICE DEPARTMENT

ALL CASE PUBLIC RECORD INFORMATION 82648
HAVE BEEN REMOVED SUBJECT TO NONDISCLOSURE
TEXAS OPEN RECORDS ACT (2200.476 V.A.C.S.)
DATE BY

Law Enforcement and TxDOT Use ONLY

☐ FATAL ☐ CMV ☐ SCHOOL BUS ☐ RAILROAD ☐ MAB ☐ SUPPLEMENT ☐ ACTIVE SCHOOL ZONE

Texas Peace Officer's Crash Report (Form CR-3 1/1/2010)

Total NY U	Total Num. Prns.	TxDOT Crash ID
13	4	

Mail to: Texas Department of Transportation, Crash Records, P.O. Box 148349, Austin, TX 78714. Questions? Call (512) 486-5780
 Refer to Attached Code Sheet for Numbered Fields

* These fields are required on all additional sheets submitted for this crash (ex.: additional vehicles, occupants, injured etc.).

Page 3 of 4

* Crash Date (MM/DD/YYYY) 1/2/13/2013		* Crash Time (24HRMM) 1725		Case ID 13-347227		Local Use																																																							
* County Name EL PASO				* City Name EL PASO																																																									
In your opinion, did this crash result in at least \$1,000 damage to any one person's property?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Latitude (decimal degrees)		Longitude (decimal degrees)																																																							
ROAD ON WHICH CRASH OCCURRED																																																													
* 1 Rdw. Sys. SH		* Hwy. Num. 10		2 Rdw. Part 1		Block Num.																																																							
3 Street Prefix E		* Street Name MM30 I-10 EAST		4 Street Suffix HWY																																																									
<input type="checkbox"/> Crash Occurred on a Private Drive or Road/Private Property/Parking Lot		<input type="checkbox"/> Toll Road/Toll Lane		Speed Limit 60		Const. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																							
Workers <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Present <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Street Desc ONE WAY, THREE LANE																																																									
INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST INTERSECTING ROAD OR REFERENCE MARKER																																																													
At <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		1 Rdw. Sys. LR		Hwy. Num.		2 Rdw. Part 1																																																							
Block Num. 1200		3 Street Prefix		Street Name LOMALAND		4 Street Suffix DR																																																							
Distance from Int. or Ref. Marker 0.50		<input type="checkbox"/> FT <input checked="" type="checkbox"/> MI		3 Dir. from Int. or Ref. Marker W		Reference Marker																																																							
Street Desc. TWO WAY, FIVE LANE,		RRX Num.																																																											
Unit Num. 3		5 Unit Desc. 1		<input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Hit and Run		LP State TX																																																							
LP Num. 32WCW6		VIN 1F T P W 1 4 V 9 7 K C 9 3 0 5 0																																																											
Veh. Year 2007		6 Veh. Color BLU		Veh. Make FORD		Veh. Model F-150																																																							
7 Body Style PK		<input type="checkbox"/> Pol., Fire, EMS on Emergency (Explain in Narrative if checked)																																																											
8 DL/ID Type 1		DL/ID State TX		DL/ID Num. 06540515		9 DL Class C																																																							
10 CDL End. 96		11 DL Rest. 96		DOB (MM/DD/YYYY) 09/25/1960																																																									
Address (Street, City, State, ZIP) 2129 SHREYA, EL PASO, TX 79938																																																													
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Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Expired <input type="checkbox"/> Exempt		26 Fin. Resp. Type 2		Fin. Resp. Name GEICO																																																							
Fin. Resp. Phone Num. 915-588-7837		27 Vehicle Damage Rating 1 6		B D 2		27 Vehicle Damage Rating 2																																																							
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Proof of Fin. Resp. <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Expired <input type="checkbox"/> Exempt		26 Fin. Resp. Type		Fin. Resp. Name																																																							
Fin. Resp. Phone Num.		27 Vehicle Damage Rating 1				27 Vehicle Damage Rating 2																																																							
Towed By		Towed To				Vehicle <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																							

PUBLIC RECORD INFORMATION
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 OPEN RECORDS ACT (8252-17a V.A. Vehicle)
 BY: [Signature] [Date]

Law Enforcement and TxDOT Use ONLY.
Form CR-3 01/01/2010

Case ID

7227

TxDOT Crash ID

Page 4 of 4

DISPOSITION OF INJURED/KILLED	Unit Num.	Prsn. Num.	Taken To	Taken By	Date of Death (MM/DD/YYYY)	Time of Death (24HRMM)

CHARGES	Unit Num.	Prsn. Num.	Charge	Citation/Reference Num.

DAMAGE	Damaged Property Other Than Vehicles		Owner's Name	Owner's Address

CARRIER	Unit Num.	<input type="checkbox"/> 10,001+ LBS. <input type="checkbox"/> TRANSPORTING HAZARDOUS MATERIAL <input type="checkbox"/> 9+ CAPACITY	28 Veh. Oper.	29 Carrier ID Type	Carrier ID Num.
	Carrier's Corp. Name	Carrier's Primary Addr.			
30 Rdwy. Access	31 Veh. Type	<input type="checkbox"/> RGWW <input type="checkbox"/> GVWR	HazMat Released <input type="checkbox"/> Yes <input type="checkbox"/> No	32 HazMat Class Num.	32 HazMat ID Num.
33 Cargo Body Style	Trailer 1	Unit Num.	<input type="checkbox"/> RGWW <input type="checkbox"/> GVWR	34 Trlr. Type	Trailer 2
Sequence Of Events	35 Seq. 1	35 Seq. 2	35 Seq. 3	35 Seq. 4	Total Num. Axles
					Total Num. Tires

FACTORS & CONDITIONS	36 Contributing factors (Investigator's Opinion)				37 Vehicle Defects (Investigator's Opinion)				Environmental and Roadway Conditions							
	Unit Num.	Contributing	May Have Contrib.		Contributing	May Have Contrib.			38 Weather Cond.	39 Light Cond.	40 Entering Roads	41 Roadway Type	42 Roadway Alignment	43 Surface Condition	44 Traffic Control	
	3								1	3	97	4	1	1	17	

NARRATIVE AND DIAGRAM	Investigator's Narrative Opinion of What Happened (Attach Additional Sheets If Necessary)		Indicate North	Field Diagram - Not to Scale

INVESTIGATOR (LX)	Time Notified (24HRMM)	How Notified	Time Arrived (24HRMM)	Report Date
	Invest. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1 7 2 6	DISPATCHED	1 7 3 5
Investigator Name (Printed)	NEVAREZ, EMILIANO			
ORI Num.	T X 0 7 1 0 2 0 0			
* Agency	EL PASO POLICE DEPARTMENT			
ALL BASE ELEMENTS SUBJECT TO NONDISCLOSURE HAVE BEEN REMOVED IN ACCORDANCE WITH THE TEXAS OPEN RECORDS ACT DATE: 12/23/15 BY: District 17a V.A.P. 41 Area 8 6				

Texas Peace Officer's Crash Report - Code Sheet

Numbered Fields on the CR-3 Refer to the Numbered Lists on this Code Sheet. Each list includes the codes that may be entered on the form and the description of each code.

Page 1 of 2
Law Enforcement and TxDOT Use ONLY
Form CR-3CS 1/1/2010

1. Roadway System IH = Interstate US = US Highway SH = State Highway FM = Farm to Market RR = Ranch Road RM = Ranch to Market BI = Business Interstate BU = Business US BS = Business State BF = Business FM SL = State Loop TL = Toll Road		2. Roadway Part 1 = Main/Proper Lane 2 = Service/Frontage Road 3 = Entrance/On Ramp 4 = Exit/Off Ramp 5 = Connector/Flyover 98 = Other (Explain in Narrative)		3. Street Prefix <u>Direction from Int. or Ref. Marker</u> N = North NE = Northeast E = East SE = Southeast S = South SW = Southwest W = West NW = Northwest		4. Street Suffix RD = Road ST = Street DR = Drive AVE = Avenue BLVD = Boulevard PKWY = Parkway LN = Lane FWY = Freeway HWY = Highway WAY = Way TRL = Trail LOOP = Loop EXPY = Expressway CT = Court CIR = Circle PL = Place PARK = Park CV = Cove	
5. Unit Description 1 = Motor Vehicle 2 = Train 3 = Pedalcyclist 4 = Pedestrian 5 = Motorized Conveyance 6 = Towed/Trailer 7 = Non-Contact 98 = Other (Explain in Narrative)		6. Vehicle Color BGE = Beige BLK = Black BLU = Blue BRZ = Bronze BRO = Brown CAM = Camouflage CPR = Copper GLD = Gold GRY = Gray GRN = Green MAR = Maroon MUL = Multicolored ONG = Orange PNK = Pink PLE = Purple RED = Red SIL = Silver TAN = Tan TEA = Teal (green) TRQ = Turquoise (blue) WHI = White YEL = Yellow 98 = Other (Explain in Narrative) 99 = Unknown		7. Body Style P2 = Passenger Car, 2-Door P4 = Passenger Car, 4-Door PK = Pickup AM = Ambulance BU = Bus SB = Yellow School Bus FE = Farm Equipment FT = Fire Truck MC = Motorcycle SV = Sport Utility Vehicle PC = Police Car/Truck PM = Police Motorcycle TL = Trailer, Semi-Trailer, or Pole Trailer TR = Truck TT = Truck Tractor VN = Van 98 = Other (Explain in Narrative) 99 = Unknown		8. Driver License/ID Type 1 = Driver License 2 = Commercial Driver Lic. 3 = Occupational 4 = ID Card 5 = Unlicensed 98 = Other 99 = Unknown	
9. Driver License Class A = Class A AM = Class A and M B = Class B BM = Class B and M C = Class C CM = Class C and M M = Class M 5 = Unlicensed 98 = Other/Out of State 99 = Unknown		10. Commercial Driver License Endorsements H = Hazardous Materials N = Tank Vehicles P = Passengers S = School Bus T = Double/Trip Trailer X = Tank Vehicle with HazMat 5 = Unlicensed 98 = Other/Out of State 99 = Unknown		11. Driver License Restrictions A = With Corrective Lenses B = LOFS Age 21 or Over C = Daytime Only D = Not to Exceed 45 MPH E = No Expressway Driving F = Must Hold Valid Learner Lic. to MM/DD/YY G = TRC 545.424 Applies until MM/DD/YY H = Vehicle not to Exceed 26,000 lbs GVWR I = Motorcycle Not to Exceed 250 CC J = Licensed Motorcycle Operator Age 21 or Over in Sight K = Moped L = Vehicle w/o Air Brakes - Applies to Vehicles Requiring CDL M = CDL Intrastate Commerce Only N = Ignition Interlock Required O = Occ./Essent. Need DL-No CMV-See Court Order P = Stated on License Q = LOFS 21 or Over Vehicle Above Class B R = LOFS 21 or Over Vehicle Above Class C S = Outside Rear View Mirror or Hearing Aid T = Automatic Transmission U = Applicable Prosthetic Devices V = Applicable Vehicle Devices W = Power Steering X = Vehicle Not to Exceed Class C Y = Valid TX Vision or Limb Waiver Req'd. Z = Valid Fed. Vision or Limb Waiver Req'd. 5 = Unlicensed 98 = None 99 = Other/Out of State			
12. Person Type 1 = Driver 2 = Passenger/Occupant 3 = Pedalcyclist 4 = Pedestrian 5 = Driver of Motorcycle Type Vehicle 6 = Passenger/Occupant on Motorcycle Type Vehicle 98 = Other (Explain in Narrative) 99 = Unknown		13. Seat Position 1 = Front Left 2 = Front Center 3 = Front Right 4 = Second Seat Left 5 = Second Seat Center 6 = Second Seat Right 7 = Third Seat Left 8 = Third Seat Center 9 = Third Seat Right 10 = Cargo Area 11 = Outside Vehicle 13 = Other in Vehicle 14 = Passenger in Bus 16 = Pedestrian, Pedalcyclist, or Motorized Conveyance 98 = Other (Explain in Narrative) 99 = Unknown		14. Injury Severity A = Incapacitating Injury B = Non-Incapacitating Injury C = Possible Injury K = Killed N = Not Injured 99 = Unknown		15. Ethnicity W = White B = Black H = Hispanic A = Asian I = Amer. Indian/ Alaskan Native 98 = Other 99 = Unknown	
16. Sex 1 = Male 2 = Female 99 = Unknown		17. Elected 1 = No 2 = Yes 3 = Yes, Partial 97 = Not Applicable 99 = Unknown					
18. Restraint Used 1 = Shoulder and Lap Belt 2 = Shoulder Belt Only 3 = Lap Belt Only 4 = Child Seat, Facing Forward 5 = Child Seat, Facing Rear 6 = Child Seat, Unknown 7 = Child Booster Seat 96 = None 97 = Not Applicable 98 = Other (Explain in Narrative) 99 = Unknown		19. Airbag 1 = Not Deployed 2 = Deployed, Front 3 = Deployed, Side 4 = Deployed, Rear 5 = Deployed, Multiple 97 = Not Applicable 99 = Unknown		20. Helmet Use 1 = Not Worn 2 = Worn, Damaged 3 = Worn, Not Damaged 4 = Worn, Unk. Damage 97 = Not Applicable 99 = Unknown if Worn			
21. Solicitation Y = Solicit N = No Solicit		22. Alcohol Specimen Type 1 = Breath 2 = Blood 3 = Urine 4 = Refused 96 = None 98 = Other (Explain in Narrative)		23. Drug Specimen Type 2 = Blood 3 = Urine 4 = Refused 96 = None 98 = Other (Explain in Narrative)			
24. Drug Test Result 1 = Positive 2 = Negative 97 = Not Applicable 99 = Unknown		25. Drug Category 2 = CNS Depressants 3 = CNS Stimulants 4 = Hallucinogens 6 = Narcotic Analgesics 7 = Inhalants 8 = Cannabis 10 = Dissociative Anesthetics 11 = Multiple Drugs (Explain in Narrative) 97 = Not Applicable 98 = Other Drugs (Explain in Narrative) 99 = Unknown		26. Financial Responsibility Type 1 = Liability Insurance Policy 2 = Proof of Liability Insurance 3 = Insurance Binder 4 = Surety Bond 5 = Certificate of Deposit with Comptroller 6 = Certificate of Deposit with County Judge 7 = Certificate of Self-Insurance			
27. Vehicle Damage Rating In most cases, enter in the format XX-ABC-Y, where XX is the Direction of Force (1-12), ABC is the Damage Description 2- or 3-letter code, and Y is the Damage Severity (0-7). In special cases, use: V8-1 = vehicle burned, NOT due to collision V8-7 = vehicle catches fire due to the collision TP-0 = top damage only VX-0 = undercarriage damage only MC-1 = motorcycle, moped, scooter, etc. NA = Not Applicable (Farm Tractor, etc.)							

PUBLIC RECORD INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS OPEN RECORDS ACT (822-176 V.A.C.S.)
DATE: 1/1/16

Texas Peace Officer's Crash Report - Code Sheet

Numbered Fields on the CR-3 Refer to the Numbered Lists on this Code Sheet. Each list includes the codes that may be entered on the form and the description of each code.

Page 2 of 2
Law Enforcement and TxDOT Use ONLY.
Form CR-3CS 1/1/2010

COMMERCIAL MOTOR VEHICLE	28. Vehicle Operation 1 = Interstate Commerce 2 = Intrastate Commerce 3 = Not in Commerce 4 = Government 5 = Personal 7 = Non-Collision	29. Carrier ID Type 1 = US DOT 2 = TxDOT 3 = ICC/MC 96 = None 98 = Other (Explain in Narrative)	30. Roadway Access 1 = Full Access Control 2 = Partial Access Control 3 = No Access Control	31. Vehicle Type 1 = Passenger Car 2 = Light Truck 3 = Bus (9-15) 4 = Bus (>15) 5 = Single Unit Truck 2 Axes 6 Tires 6 = Single Unit Truck 3 or More Axes 7 = Truck Trailer 8 = Truck Tractor (Bobtail) 9 = Tractor/Semi Trailer 10 = Tractor/Double Trailer 11 = Tractor/Triples Trailer 98 = Other (Explain in Narrative) 99 = Unknown Heavy Truck	32. Hazardous Material Class Number 1 = Explosives 2 = Gases 3 = Flammable Liquids 4 = Flammable Solids 5 = Oxidizers and Organic Peroxides 6 = Toxic Materials and Infectious Substances 7 = Radioactive Materials 8 = Corrosive Materials 9 = Miscellaneous Dangerous Goods
	33. Cargo Body Style 1 = Bus (9-15) 2 = Bus (>15) 3 = Van/Enclosed Box 4 = Cargo Tank 5 = Flatbed 6 = Dump 7 = Concrete Mixer	8 = Auto Transporter 9 = Garbage Refuse 10 = Grain Chips Gravel 11 = Pole 13 = Intermodal 14 = Logging	15 = Vehicle Towing Another Vehicle 97 = Not Applicable 98 = Other (Explain in Narrative)	34. Trailer Type 1 = Full Trailer 2 = Semi-Trailer 3 = Pole Trailer	
FACTORS AND CONDITIONS	35. Sequence of Events 1 = Non-Collision: Ran Off Road 2 = Non-Collision: Jackknife 3 = Non-Collision: Overturn Rollover 4 = Non-Collision: Downhill Runaway 5 = Non-Collision: Cargo Loss Or Shift 6 = Non-Collision: Explosion Or Fire 7 = Non-Collision: Separation of Units 8 = Non-Collision: Cross Median/Centerline 9 = Non-Collision: Equipment Failure 10 = Non-Collision: Other 11 = Non-Collision: Unknown 12 = Collision Involving Pedestrian 13 = Collision Involving Motor Vehicle in Transport 14 = Collision Involving Parked Motor Vehicle 15 = Collision Involving Train 16 = Collision Involving Pedalcycle 17 = Collision Involving Animal 18 = Collision Involving Fixed Object 19 = Collision With Work Zone Maintenance Equipment 20 = Collision With Other Movable Object 21 = Collision With Unknown Movable Object 98 = Other (Explain in Narrative)				
	36. Factors and Conditions 1 = Animal on Road - Domestic 2 = Animal on Road - Wild 3 = Backed without Safety 4 = Changed Lane when Unsafe 14 = Disabled in Traffic Lane 15 = Disregard Stop and Go Signal 16 = Disregard Stop Sign or Light 17 = Disregard Turn Marks at Intersection 18 = Disregard Warning Sign at Construction 19 = Distraction in Vehicle 20 = Driver Inattention 21 = Drove Without Headlights 22 = Failed to Control Speed 23 = Failed to Drive in Single Lane 24 = Failed to Give Half of Roadway 25 = Failed to Heed Warning Sign 26 = Failed to Pass to Left Safely 27 = Failed to Pass to Right Safely 28 = Failed to Signal or Gave Wrong Signal 29 = Failed to Stop at Proper Place 30 = Failed to Stop for School Bus 31 = Failed to Stop for Train 32 = Failed to Yield ROW - Emergency Vehicle 33 = Failed to Yield ROW - Open Intersection 34 = Failed to Yield ROW - Private Drive 35 = Failed to Yield ROW - Stop Sign 36 = Failed to Yield ROW - To Pedestrian 37 = Failed to Yield ROW - Turning Left 38 = Failed to Yield ROW - Turn on Red 39 = Failed to Yield ROW - Yield Sign 40 = Fatigued or Asleep 41 = Faulty Evasive Action 42 = Fire in Vehicle 43 = Floeing or Evading Police 44 = Followed Too Closely 45 = Had Been Drinking 46 = Handicapped Driver (Explain in Narrative) 47 = Ill (Explain in Narrative) 48 = Impaired Visibility (Explain in Narrative) 49 = Improper Start from Parked Position 50 = Load Not Secured 51 = Opened Door Into Traffic Lane 52 = Oversized Vehicle or Load 53 = Overtake and Pass Insufficient Clearance 54 = Parked and Failed to Set Brakes 55 = Parked in Traffic Lane 56 = Parked without Lights 57 = Passed in No Passing Lane 58 = Passed on Right Shoulder 59 = Pedestrian FTYROW to Vehicle 60 = Unsafe Speed 61 = Speeding - (Over Limit) 62 = Taking Medication (Explain in Narrative) 63 = Turned Improperly - Cut Corner on Left 64 = Turned Improperly - Wide Right 65 = Turned Improperly - Wrong Lane 66 = Turned when Unsafe 67 = Under Influence - Alcohol 68 = Under Influence - Drug 69 = Wrong Side - Approach or Intersection 70 = Wrong Side - Not Passing 71 = Wrong Way - One Way Road 72 = Cell/Mobile Phone Use 73 = Road Rage 98 = Other (Explain in Narrative)				
	37. Vehicle Defects 5 = Defective or No Headlamps 6 = Defective or No Stop Lamps 7 = Defective or No Tail Lamps 8 = Defective or No Turn Signal Lamps 9 = Defective or No Trailer Brakes 10 = Defective or No Vehicle Brakes 11 = Defective Steering Mechanism 12 = Defective or Slick Tires 13 = Defective Trailer Hitch 98 = Other (Explain in Narrative)	38. Weather Condition 1 = Clear 2 = Cloudy 3 = Rain 4 = Sleet/Hail 5 = Snow 6 = Fog 7 = Blowing Sand/Snow 8 = Severe Crosswinds 98 = Other (Explain in Narrative) 99 = Unknown	39. Light Condition 1 = Daylight 2 = Dark, Not Lighted 3 = Dark, Lighted 4 = Dark, Unknown Lighting 5 = Dawn 6 = Dusk 98 = Other (Explain in Narrative) 99 = Unknown	40. Entering Roads 2 = Three Entering Roads - T 3 = Three Entering Roads - Y 4 = Four Entering Roads 5 = Five Entering Roads 6 = Six Entering Roads 7 = Traffic Circle 8 = Cloverleaf 97 = Not Applicable 98 = Other (Explain in Narrative)	
	41. Roadway Type 1 = Two-Way, Not Divided 2 = Two-Way, Divided, Unprotected Median 3 = Two-Way, Divided, Protected Median 4 = One-Way 98 = Other (Explain in Narrative)	42. Roadway Alignment 1 = Straight, Level 2 = Straight, Grade 3 = Straight, Hillcrest 4 = Curve, Level 5 = Curve, Grade 6 = Curve, Hillcrest 98 = Other (Explain in Narrative) 99 = Unknown	43. Surface Condition 1 = Dry 2 = Wet 3 = Standing Water 4 = Snow 5 = Slush 6 = Ice 7 = Sand, Mud, Dirt 98 = Other (Explain in Narrative) 99 = Unknown	44. Traffic Control 2 = Inoperative (Explain in Narrative) 3 = Officer 4 = Flagman 5 = Signal Light 6 = Flashing Red Light 7 = Flashing Yellow Light 8 = Stop Sign 9 = Yield Sign 10 = Warning Sign 11 = Center Stripe/Divider 12 = No Passing Zone 13 = RR Gate/Signal 14 = Crosswalk 15 = Bike Lane 16 = Marked Lanes 17 = Signal Light With Red Light Running Camera 98 = None 99 = Other (Explain in Narrative)	

PUBLIC RECORD INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS OPEN RECORDS ACT (2022-17a V.A.C. § 1)

1300 N. EL PASO ST.
El Paso, TX 79902
(915) 832-1111
(915) 533-5835 (FAX)

9001 DYER
El Paso, TX 79904
(915) 751-1111
(915) 751-0505 (FAX)

LAW OFFICES OF
MICHAEL J. GOPIN, PLLC

1043 N. ZARAGOSA
El Paso, TX 79907
(915) 838-1111
(915) 860-1511 (FAX)

*MICHAEL J. GOPIN
**LEE R. MONTION

*Licensed in Texas
** Licensed in Texas and
New Mexico

10516 MONTWOOD
El Paso, TX 79935
(915) 872-1111
(915) 633-8383 (FAX)

June 30, 2015

Allied/Nationwide Insurance
ATTN: Cassie Newton
One Nationwide Gateway, Dept. 5575
Des Moines, IA 50391-5575

RE: Claimant : Maria Luz Rosas
D/O/A : o/a December 13, 2013
Your Insured : Energy Transportation
Claim No. : 7249PE022197

Dear Ms. Newton:

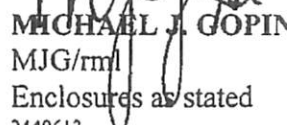
My client has authorized me to offer to settle her claim for **ONE MILLION DOLLARS (\$1,000,000.00) OR POLICY LIMITS**. This is not a statement of what the case is worth, but only an offer of settlement and not to be read to the jury.

For your review, please find enclosed any and all medical records and medical bills in reference to the above-mentioned claim. Kindly direct all correspondence to:

1043 N. Zaragosa
El Paso, Texas 79907

Thanking you in advance for your prompt attention to this matter.

Very truly yours,


MICHAEL J. GOPIN
MJG/rml
Enclosures as stated
2440613

www.michaelgopin.com

EXHIBIT

B



El Paso County - 171st District Court

CIVIL CASE INFORMATION SHEET

Filed 12/1/2015 4:43:26 PM

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

Norma L. Favela

STYLED MARIA LUZ ROSAS v. NICHOLAS JAMES BLOCKER AND ENERGY TRANSPORTATION, INC., D/B/A ENERGY TRANSPORTATION, LLC

District Clerk

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

El Paso County

2015DCV3988

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		Names of parties in case:		Person or entity completing sheet is:	
Name: Daniela Labinoti Address: 501 N. Kansas, Suite 102 City/State/Zip: El Paso, Texas 79901 Signature: <u>/s/ Daniela Labinoti</u>		Email: Daniela@labinotilaw.com Telephone: (915) 581-4600 Fax: (915) 581-4605 State Bar No: 24050900		Plaintiff(s)/Petitioner(s): MARIA LUZ ROSAS Defendant(s)/Respondent(s): NICHOLAS JAMES BLOCKER AND ENERGY TRANSPORTATION, INC., D/B/A ENERGY TRANSPORTATION, LLC. <small>[Attach additional page as necessary to list all parties]</small>	
		<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____		Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
<i>Civil</i>			<i>Family Law</i>		
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: NEGLIGENCE _____	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____			
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax: _____		Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____			
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case) <input checked="" type="checkbox"/> Less than \$75,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief. <input type="checkbox"/> Over \$100,000 but not more than \$200,000. <input type="checkbox"/> Over \$200,000 but not more than \$500,000. <input type="checkbox"/> Over \$1,000,000					

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **NICHOLAS JAMES BLOCKER**, who may be served with process by serving the **Chairman of Texas Transportation Commission at, 125 E. 11th ST., AUSTIN, TEXAS 78701**

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition and Jury Demand at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **171st Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 1st day of December, 2015, by Attorney at Law DANIELA LABINOTI, 501 N. KANSAS, SUITE 102, EL PASO, TEXAS 79901 in this case numbered **2015DCV3988** on the docket of said court, and styled:

MARIA ROSAS vs. NICHOLAS JAMES BLOCKER and ENERGY TRANSPORTATION, INC., d/b/a ENERGY TRANSPORTATION, LLC

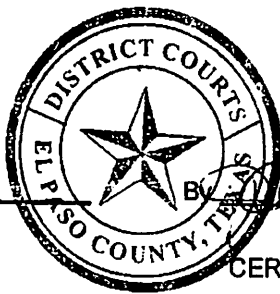
The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition and Jury Demand accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 4th day of December, 2015.

Attest: NORMA L. FAVELA, District Clerk, El Paso County, Texas.

CLERK OF THE COURT
NORMA L. FAVELA
District Clerk
El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso Texas, 79901



ATTACH
RETURN RECEIPTS
WITH

ADDRESSEE'S SIGNATURE

Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

*NAME OF PREPARER TITLE

ADDRESS

CITY STATE ZIP

I hereby certify that on the _____ day of _____, 2015, at _____ I mailed to

Defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Original Petition and Jury Demand attached thereto.

TITLE

RETURN OF SERVICE

Delivery was completed on _____, delivered to _____
_____ as evidence by Domestic Return Receipt PS Form 3811
attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned
undelivered marked _____.

This forwarding address was provided: _____

El Paso County, Texas

By: _____
Deputy District Clerk

OR

Name of Authorized Person

By: _____

VERIFICATION BY AUTHORIZED PERSON

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared _____, known to me to be the person
whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am
disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and
correct."

Subscribed and sworn to be on this ____ day
of _____, _____.

Notary Public, State of _____
My commission expires: _____

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: ENERGY TRANSPORTATION, INC. d/b/a ENERGY TRANSPORTATION, LLC, who may be served with process by serving its registered agent, **BRADLEY DELUCA, 1221 LAMAR, SUITE 1000, HOUSTON, TEXAS 77010**

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition and Jury Demand at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **171st Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 1st day of December, 2015, by Attorney at Law DANIELA LABINOTI, 501 N. KANSAS, SUITE 102, EL PASO, TEXAS 79901 in this case numbered **2015DCV3988** on the docket of said court, and styled:

MARIA ROSAS vs. NICHOLAS JAMES BLOCKER and ENERGY TRANSPORTATION, INC. d/b/a ENERGY TRANSPORTATION, LLC

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition and Jury Demand accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 4th day of December, 2015.

Attest: NORMA L. FAVELA, District Clerk, El Paso County, Texas.

CLERK OF THE COURT
NORMA L. FAVELA

District Clerk

El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso Texas, 79901

ATTACH
RETURN RECEIPTS
WITH

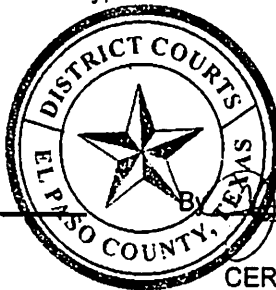
ADDRESSEE'S SIGNATURE

Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

*NAME OF PREPARER TITLE

ADDRESS

CITY STATE ZIP



CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the _____ day of _____, 2015, at _____ I mailed to _____

Defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Original Petition and Jury Demand attached thereto.

TITLE

RETURN OF SERVICE

Delivery was completed on _____, delivered to _____
_____ as evidence by Domestic Return Receipt PS Form 3811
attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned
undelivered marked _____.

This forwarding address was provided: _____

El Paso County, Texas

By: _____

Deputy District Clerk

OR

Name of Authorized Person

By: _____

VERIFICATION BY AUTHORIZED PERSON

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared _____, known to me to be the person
whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am
disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and
correct."

Subscribed and sworn to be on this ____ day
of _____, _____.

Notary Public, State of _____

My commission expires: _____

2015 DCV 3988

RETURN OF SERVICE

in Behalf of

Delivery was completed on 12-11-2015, delivered to Bradley Deluca Energy Transportation, LLC as evidence by Domestic Return Receipt PS Form 3811 attached hereto. 7014 3490 0001 4657 9370

The described documents were not delivered to the named recipient. The certified mail envelope was returned undelivered marked _____.

This forwarding address was provided: _____

El Paso County, Texas

By: _____
Deputy District Clerk

OR

Kathleen Ann Ariz
Name of Authorized Person

By: Kathleen Ann Ariz

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p><u>Bradley Deluca</u> <u>Energy Transportation, LLC</u> <u>Bradley Deluca</u> <u>1721 Stroman St</u> <u>Houston TX 77010</u></p>		<p>A. Signature</p> <p><u>Jeremy Kper</u></p> <p>B. Received by (Printed Name)</p> <p><u>Jeremy Kper</u></p> <p>C. Date of Delivery</p> <p><u>12-11-2015</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
<p>2. Article Number (Transfer from service label)</p> <p><u>7014 3490 0001 4657 9370</u></p>		<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

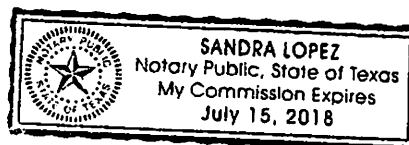
ION BY AUTHORIZED PERSON

sonally appeared Kathleen Ann Ariz, known to me to be the person of Service, and being by me first duly sworn, declared, that the fact and statements contained in the Return of Service and true and

Subscribed and sworn to be on this 18 day of December, 2015

Notary Public, State of Texas

My commission expires: July 15, 2018



FILED
NORMAL FILING
DISTRICT CLERK
2015 DEC 18 PM
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **ENERGY TRANSPORTATION, INC. d/b/a ENERGY TRANSPORTATION, LLC**, who may be served with process by serving its registered agent, **BRADLEY DELUCA, 1221 LAMAR, SUITE 1000, HOUSTON, TEXAS 77010**

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition and Jury Demand at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable 171st Judicial District Court, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 1st day of December, 2015, by Attorney at Law DANIELA LABINOTI, 501 N. KANSAS, SUITE 102, EL PASO, TEXAS 79901 in this case numbered **2015DCV3988** on the docket of said court, and styled:

MARIA ROSAS vs. NICHOLAS JAMES BLOCKER and ENERGY TRANSPORTATION, INC., d/b/a ENERGY TRANSPORTATION, LLC

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition and Jury Demand accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

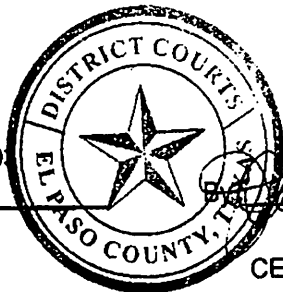
Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 4th day of December, 2015.

Attest: NORMA L. FAVELA, District Clerk, El Paso County, Texas.

CLERK OF THE COURT
NORMA L. FAVELA

District Clerk

El Paso County Courthouse
500 E. San Antonio Ave, RM 10
El Paso Texas, 79901



ATTACH
RETURN RECEIPTS
WITH

ADDRESSEE'S SIGNATURE

Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

NAME OF PREPARER TITLE

ADDRESS

CITY STATE ZIP

JoAnn Fernandez Deputy
JoAnn Fernandez

CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the _____ day of _____, 2015, at _____ I mailed to

1221 LAMAR STE 1000
HOUSTON, TEXAS 77010

Defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Original Petition and Jury Demand attached thereto.

Kathryn Ann Perez
Kathryn Ann Perez
Process Server RH 3616
TITLE

2015TXV3988

RETURN OF SERVICE

Delivery was completed on 12-11-2015, delivered to Nicholas James Blecker
Chairman Texas Transportation Commission as evidence by Domestic Return Receipt PS Form 3811
 attached hereto. 7014 3490 0001 4657 9387

The described documents were not delivered to the named recipient. The certified mail envelope was returned
 undelivered marked _____.

This forwarding address was provided: _____

El Paso County, Texas

By: _____
 Deputy District Clerk

OR

KATHRYN ANN ARIZ SCH. 3616
 Name of Authorized Person

By: KATHRYN ANN ARIZ

SENDER: COMPLETE THIS SECTION		ADDRESSEE: COMPLETE THIS SECTION	
1. Article Addressed to: <u>Nicholas James Blecker</u> <u>Transportation Commission</u> <u>125 E. 11th St</u> <u>Austin Texas 78701</u>		A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <u>Randall Tegg</u> B. Received by (Printed Name) <u>Randall Tegg</u> C. Date of Delivery <u>12-11-2015</u> D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Article Number (Transfer from service label) <u>7014 3490 0001 4657 9387</u>		3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery	

Y AUTHORIZED PERSON

y appeared Kathryn Ann Ariz, known to me to be the person
 vice, and being by me first duly sworn, declared, "I am
 and statements contained in the Return of Service and true and

Subscribed and sworn to be on this 18 day
 of December, 2015

Kathryn Ann Ariz
 Notary Public, State of Texas

My commission expires: June 25, 2018

FILED
 NORMAN LEVELL
 DISTRICT CLERK
 EL PASO COUNTY, TEXAS
 2015 DEC 18 PM 2:56

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **NICHOLAS JAMES BLOCKER**, who may be served with process by serving the **Chairman of Texas Transportation Commission at, 125 E. 11th ST., AUSTIN, TEXAS 78701**

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition and Jury Demand at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **171st Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 1st day of December, 2015, by Attorney at Law **DANIELA LABINOTI**, 501 N. KANSAS, SUITE 102, EL PASO, TEXAS 79901 in this case numbered **2015DCV3988** on the docket of said court, and styled:

MARIA ROSAS vs. NICHOLAS JAMES BLOCKER and ENERGY TRANSPORTATION, INC., d/b/a ENERGY TRANSPORTATION, LLC

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition and Jury Demand accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 4th day of December, 2015.

Attest: **NORMA L. FAVELA**, District Clerk, El Paso County, Texas.

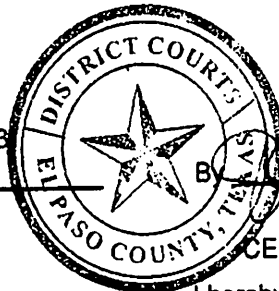
CLERK OF THE COURT
NORMA L. FAVELA
District Clerk
El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso Texas, 79901

ATTACH
RETURN RECEIPTS
WITH

ADDRESSEE'S SIGNATURE

Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

NAME OF PREPARER	TITLE
ADDRESS	
CITY	STATE ZIP



JoAnn Fernandez Deputy

CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the 8th day of December, 2015, at 3:25 PM mailed to 125 E. 11th Street Austin Texas 78701 Defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Original Petition and Jury Demand attached thereto.

Kathryn Ann [Signature]
Process Server 5043616
TITLE

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS

171st JUDICIAL DISTRICT

MARIA ROSAS,

Plaintiff,

v.

NICHOLAS JAMES BLOCKER AND
ENERGY TRANSPORTATION, INC.,
d/b/a ENERGY TRANSPORTATION, LLC,

Defendants.

Cause No. 2015-DCV3988

DEFENDANTS' ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW the Defendants NICHOLAS JAMES BLOCKER and ENERGY
TRANSPORTATION, INC., d/b/a and file this Original Answer and say:

I.

Pursuant to Texas Rule of Civil Procedure 92, Defendants would enter a general denial as
to Plaintiff's pleadings.

WHEREFORE, PREMISES CONSIDERED, Defendants pray that they be allowed to go
hence without day and with their costs.

Respectfully submitted,

**MOUNCE, GREEN, MYERS,
SAFI, PAXSON & GALATZAN**
A Professional Corporation
P.O. Box 1977
El Paso, Texas 79999-1977
(915) 532-2000
(915) 541-1597 (fax)

By: 

Kurt G. Paxson
paxson@mgmsg.com
State Bar No. 15648300

Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify on this the 4 day of January, 2016, the foregoing pleading was electronically filed with the Clerk of the Court using the Texas Electronic Filing Rules, which will send notification of such filing to the following:

Daniela Labinoti
Law Firm of Daniela Labinoti, P.C.
501 N. Kansas, Suite 102
El Paso, TX 79901
daniela@labinotilaw.com


Kurt G. Paxson

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **ENERGY TRANSPORTATION, INC., d/b/a ENERGY TRANSPORTATION, LLC**, which may be served with process by serving its registered agent, **MICHAEL LANSING** at, 125 W. 2nd ST, CASPER, WYOMING 82601

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's First Amended Petition and Jury Demand at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **171st Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 24th day of December, 2015, by Attorney at Law **DANIELA LABINOTI**, 501 N. KANSAS, SUITE 102, EL PASO, TEXAS 79901 in this case numbered **2015DCV3988** on the docket of said court, and styled:

MARIA LUZ ROSAS vs. NICHOLAS JAMES BLOCKER, ENERGY TRANSPORTATION, INC., d/b/a ENERGY TRANSPORTATION, LLC

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's First Amended Petition and Jury Demand accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 5th day of January, 2016.

Attest: **NORMA L. FAVELA**, District Clerk, El Paso County, Texas.

CLERK OF THE COURT
NORMA L. FAVELA

District Clerk
El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso Texas, 79901



[Signature] Deputy
JoAnn Fernandez

ATTACH
RETURN RECEIPTS
WITH

ADDRESSEE'S SIGNATURE
Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

*NAME OF PREPARER TITLE

ADDRESS

CITY STATE ZIP

CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the _____ day of _____, 2016, at _____ I mailed to _____

Defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Plaintiff's First Amended Petition and Jury Demand attached thereto.

TITLE

RETURN OF SERVICE

Delivery was completed on _____, delivered to _____
_____ as evidence by Domestic Return Receipt PS Form 3811
attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned
undelivered marked _____.

This forwarding address was provided: _____

El Paso County, Texas

By: _____

Deputy District Clerk

OR

Name of Authorized Person

By: _____

VERIFICATION BY AUTHORIZED PERSON

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared _____, known to me to be the person
whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am
disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and
correct."

Subscribed and sworn to be on this ____ day
of _____, _____.

Notary Public, State of _____

My commission expires: _____

Defendant NICHOLAS JAMES BLOCKER is a resident of Sarasota, Wyoming and may be served with process by serving the Chairman of Texas Transportation Commission, 125 E. 11th St., Austin, Texas, 78701.

Defendant ENERGY TRANSPORTATION, INC., d/b/a ENERGY TRANSPORTATION, LLC is a Wyoming corporation doing business in Texas and may be served with process by serving its Registered Agent, Bradley Deluca, 1221 Lamar, Suite 1000, Houston, Texas, 77010.

III.

Venue & Jurisdiction

Venue is proper in El Paso County, Texas, pursuant to Tex.Civ.Prac. & Rem. Code §15.002(a)(1) because El Paso County, Texas, is the county in which all or a substantial part of the events or omissions giving rise to the underlying claim occurred. Jurisdiction is proper in this Texas state Court in that Plaintiff has asserted damages within the jurisdictional limits of the Court.

IV.

Background and Facts

The injuries and damages suffered by Plaintiff and made the basis of this action arose out of a collision that occurred on or about December 13, 2013, on I-10 at or near Milepost 30 in El Paso, Texas. Plaintiff was traveling eastbound on I-10 in the left lane. Plaintiff had slowed/stopped for traffic ahead when Defendant BLOCKER, driving a vehicle owned or leased to Defendant ENERGY, suddenly, unexpectedly and violently stuck the rear of Plaintiff's vehicle. Defendant BLOCKER was driving while intoxicated, negligently failed to keep a proper lookout and failed to pay attention while driving, causing him to collide with the rear of Plaintiff's vehicle and thereby causing Plaintiff to sustain serious injuries more fully set out below.

Attached hereto as **Exhibit "G"** is the Texas Peace Officer's Crash Report, which corroborates the facts as alleged by Plaintiff herein.

V.
Negligence of Defendant Blocker

Plaintiff alleges that the collision and resulting damages and injuries to her were proximately caused by one or more of the following alternative theories of negligence on the part of Defendant BLOCKER in:

1. Driving while intoxicated
2. Failing to drive as a reasonable prudent driver;
3. Failing to pay attention;
4. Failing to keep a proper lookout;
5. Failing to take proper evasive action;
6. Failure to safely apply brakes to avoid a collision;
7. Failure to honk and give adequate warning of the pending danger;
8. Failure to turn to the left or right to avoid a collision;
9. Driving carelessly;
10. Driving recklessly;
11. Failure to control the vehicle to avoid injuring other drivers; and,
12. Failure to take other evasive actions.

Each of the above-alleged acts and/or omissions was other than what a reasonable and prudent person would have done under the same or similar circumstances, and was the proximate cause of damages to Plaintiff.

VI.
Negligence Per Se

Said incident and Plaintiff's injuries and damages were proximately caused by Defendant BLOCKER'S violations of the laws of the State of Texas and of the United States of America constituting *negligence per se*. Defendant BLOCKER was operating the vehicle in violation of the Texas Statutes and Ordinances by driving while intoxicated.

VII.

Gross Negligence

Plaintiff incorporates all the above paragraphs and would show the Court that Defendant BLOCKER was reckless and acted with conscious disregard to the rights of the public including the Plaintiff by operating the vehicle while intoxicated.

VIII.

Negligent Hiring, Training and Supervision of Defendant Energy

Defendant ENERGY had a duty to exercise due care in hiring, supervising, training and retaining employees. More particularly, Defendant had a duty to use ordinary care in hiring employees; a legal duty to protect the public including Plaintiff by inquiring into the competence and qualifications of employees; a legal duty to use ordinary care in adequately supervising their employees; and, a legal duty to use ordinary care to adequately train their employees.

Defendant ENERGY breached their duties and such breach was a direct and proximate cause of Plaintiff's injuries and damages.

Defendant ENERGY was negligent by breaching their duty to Plaintiff in one or more of the following alternative theories of negligence:

1. Failure to adequately train and supervise their driver.
2. Failure to ensure their driver did not drive while intoxicated.
3. Failure to implement safety precautions to prevent injuries such as those suffered by Plaintiffs in similar circumstances.
4. In failing to establish and enforce safety rules and regulations.
5. Failing to teach and educate their employees on the proper procedures under similar

circumstances.

One or more of the foregoing acts and omissions constituted negligence. For this, one or more of the foregoing acts or omissions was a proximate cause of the damages and injuries to Plaintiff.

IX.

Vicarious Liability of Defendant Energy

Plaintiffs would show that Defendant ENERGY is liable for the damages and injuries which were caused by the negligence of their employees, agents and representatives. Defendant ENERGY is liable for the acts or omissions of their employees and agents, including those of Defendant BLOCKER. In addition, Defendant ENERGY owed a duty of care to Plaintiff because of their right of control which arose through the course of dealing with their employees, agents or representatives. Defendant ENERGY is liable under the doctrine of respondeat superior; master/servant; principal; agent.

X.

Negligent Entrustment of Defendant Energy

Defendant ENERGY entrusted the vehicle involved in this incident to Defendant BLOCKER who was not properly trained to drive their vehicle and failed to assure that he followed Federal Motor Vehicle Transportation Acts, the Rules of the Road and Texas Statutes.

Defendant ENERGY entrusted the vehicle to Defendant BLOCKER knowing that he was unqualified, untrained in operating their vehicles. Defendant ENERGY placed the public and other drivers in danger. Such negligence was a proximate cause of Plaintiff's injuries and damages.

Defendant ENERGY knew or should have known that BLOCKER was a reckless driver

and had unsafe driving practices, and did not conduct safe hiring practices because they did not test their employees for safe driving techniques causing their employee BLOCKER to be unsafe to other drivers and that BLOCKER should not have been driving on the street and that BLOCKER was a danger to the community and driving public.

Defendant ENERGY acted with reckless disregard in the entrustment of the vehicle to Defendant BLOCKER.

XI.

Damages to Plaintiff

As a direct result of the occurrence, Plaintiff suffered bodily injuries. Plaintiff was immediately taken by ambulance to Del Sol Medical Center for treatment of her injuries. Plaintiff sustained injuries to her back, left arm and right knee. She was diagnosed with thoracic/lumbar sprain/strain, lumbar spondylosis, chest contusion, left knee contusion, left knee sprain/strain, muscle spasms and post-traumatic headaches. Plaintiff continued having severe pain to her left knee and after an MRI was diagnosed with a medial meniscus tear, and internal derangement that necessitated surgery on January 14, 2015. Plaintiff had to endure the surgery and rigorous physical therapy after the surgery. As a further result of the occurrence, Plaintiff has incurred expenses for medical care, nursing services, medical attention and other expenses. These expenses incurred were necessary for the care and treatment of the injuries sustained by Plaintiff and the charges made and to be made were the usual and customary charges for such services.

As a direct result of the occurrence, Plaintiff has suffered pain and suffering in the past and Plaintiff will continue to suffer pain and suffering in the future. Plaintiff has suffered mental anguish in the past and will continue to suffer mental anguish in the future. As a result of the occurrence, Plaintiff has suffered and will continue to suffer impairment to her body. Plaintiff

has suffered damages within the jurisdictional limits of this Court.

Plaintiff was also prevented from working and has lost wages. She was also unable to perform her daily activities as a direct result of the subject accident and will continue to be unable to perform her daily activities in the future. Plaintiff has suffered physical pain and suffering in the past and will continue to suffer physical pain and suffering in the future. Plaintiff has suffered mental pain and anguish in the past and will continue to suffer mental pain and anguish in the future. Plaintiff has suffered emotional distress in the past and will continue to suffer emotional distress in the future. As a result of the injuries described above, Plaintiff has suffered and will continue to suffer impairment to her body. Plaintiff has suffered disfigurement in the past and will continue to suffer disfigurement in the future.

In all reasonable probability, Plaintiff will suffer a loss of earning capacity in the future because of the injuries sustained in the subject collision, which was proximately caused by the Defendant's negligence.

The determination of many of these elements of damage is particularly within the province of the jury. Plaintiff does not at this time seek any certain amount of damages for any of these particular elements of damage, but would instead rely upon the collective wisdom of the jury to determine an amount that would fairly and reasonably compensate her.

In compliance with the pleading requirements of *Tex.R.Civ.P.* 47(c), Plaintiff seeks monetary relief of no more than **\$75,000.00** which includes damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney's fees.

XII.

REQUEST FOR DISCLOSURE

Plaintiff hereby requests that the Defendants disclose, within fifty-one (51) days of service

of this request, the information and material set forth in Rule 194.1(a)-(1) of the Texas Rules of Civil Procedure.

XIII.

REQUEST FOR ADMISSIONS

Pursuant to the Texas Rules of Civil Procedure 198, you are required to make a written response to these requests, attached hereto as **EXHIBITS "A & B", FIFTY ONE (51) DAYS** after service:

- (1) Admit the truth of any matter within the scope of discovery. (2) Admit the truth of any statements of opinion or of fact or of application of law to fact. (3) Admit the genuineness of any documents served with this request or otherwise made available for inspection or copying. (4) Admit or deny each of the attached requests for admissions. **You are also instructed as follows:**(1) Unless you state an objection or assert a privilege, you must specifically admit or deny the request or explain in detail the reasons that you cannot admit or deny the request. (2) Your response must fairly meet the substance of the request. (3) You may qualify an answer, or deny a request in part, only when good faith requires.(4) Lack of information or knowledge is not a proper response unless you state that a reasonable inquiry was made but that the information or known or easily obtainable is insufficient to enable the responding party to admit or deny. (5) An assertion that the request presents an issue for trial is not a proper response. (6) You are reminded that if you fail to timely respond, the request is considered admitted without the necessity of a court order. (7) If you deny a request for admission and the Plaintiff proves the truth of such matter you may be ordered to pay costs. (8) Your failure to respond as required by the Texas Rules of Civil Procedure to these requests within the time required may result in the

imposition of sanctions.

(2)

XIV.
INTERROGATORIES AND PRIVILEGE LOG

Please take notice that pursuant to Rules 192 and 197 of the Texas Rules of Civil Procedure, Plaintiff serves and propounds the attached interrogatories, marked hereto as **Exhibit "C & D"** on Defendants. The attached interrogatories are incorporated by reference as if set forth fully at length. Defendants are hereby instructed to answer the following interrogatories separately, fully, in writing under oath as required by Rule 197.2(d) of the Texas Rules of Civil Procedure. The answers shall be served upon the undersigned counsel within fifty-one (51) days after service of the interrogatories. Further, demand is made for supplementation of your answers to the interrogatories as required by the Texas Rules of Civil Procedure. **PRIVILEGE LOG** – Pursuant to Texas Rules of Civil Procedure 193.3(b), Plaintiff requests that Defendants identify the information and material withheld. Demand is hereby made that the identity of the information and material withheld be disclosed within FIFTY ONE (51) days after the date hereof.

XV.
PRODUCTION AND PRIVILEGE LOG

Please take notice that pursuant to Rule 196 of the Texas Rules of Civil Procedure, Defendants are requested to produce and or permit the undersigned attorney to inspect, copy and reproduce the items hereinafter designated in **Exhibit "E & F"** attached hereto and incorporated by reference as if set forth fully at length. You must serve a written response to the undersigned attorney within fifty-one (51) days after service of this Request for Production with regards to the items requested therein. Further, demand is made for supplementation of your Responses to the Request for Production as required by the Texas Rules of Civil Procedure. **PRIVILEGE LOG** –

Pursuant to Texas Rules of Civil Procedure 193.3(b), Plaintiff requests that Defendants identify the information and material withheld. Demand is hereby made that the identity of the information and material withheld be done within FIFTY ONE (51) days after date hereof.

XVI.
JURY DEMAND

Plaintiff respectfully requests a trial by jury of the issues presented in this case.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer, and that on final trial, Plaintiff have judgment against Defendants for monetary relief of no more than **\$75,000.00**, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees. Plaintiff further prays for such other relief, general and special, at law or in equity, to which Plaintiff is entitled,

Respectfully submitted,

LAW FIRM OF DANIELA LABINOTI, P.C.
Attorney for Plaintiff
501 N. Kansas, Suite 102
El Paso, Texas 79901
(915) 581-4600 voice
(915) 581-4605 facsimile
Daniela@labinotilaw.com

/s/ Daniela Labinoti
DANIELA LABINOTI
State Bar No.: 24050900

INSTRUCTIONS

Pursuant to the provisions of Tex. R. Civ. P. Rule 190.3, Plaintiff serves upon Defendants this Level 2 set of disclosure requests, written interrogatories, and requests for production, and requests that said Defendants answer the disclosure requests, interrogatories, and produce for inspection and copying (unless otherwise indicated) the documents and things set out below. Pursuant to Rule 190 and 193, you are requested to (1) number each item which will be produced pursuant to these Requests for Disclosure, Written Interrogatories, and Request for Production with a separate and distinct number or similar identifying designation and (2) to file your written response to these requests for disclosure, written interrogatories, and request for production stating, with regard to each numbered request, the identification or exhibit numbers of the specific items being answered or produced in response to each such Request for Disclosure, Written Interrogatory, or Request for Production. Documents or things which are required to be produced in response to more than one request may be listed by number in response to each request, but the document or thing itself need only be produced one time. All documents or things to be produced are to be forwarded to the undersigned attorneys attached to or together with your written response.

Plaintiff specifies after fifty-one (51) days from the date of service of these disclosure requests, written interrogatories, and requests for production in the offices of Plaintiff's attorney, Daniela Labinoti, Law Office of Daniela Labnoti, P.C., 501 N. Kansas, Suite 102, El Paso, Texas 79901, as time and place of making such inspection and copying, unless requested items are furnished to Plaintiff's attorney by mail prior to such date.

EXHIBIT "A"

REQUEST FOR ADMISSIONS TO DEFENDANT BLOCKER

1. That on or about the **December 13, 2013**, the vehicle you were driving collided with Plaintiff's vehicle.
2. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you failed to control your speed before your vehicle collided with Plaintiff's vehicle.
3. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you failed to control your vehicle to avoid the collision with Plaintiff's vehicle.
4. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, there were no obstructions to your vision.
5. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you were traveling at a speed that would not allow you to bring your vehicle to a complete stop without colliding with Plaintiff's vehicle.
6. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you did not see the Plaintiff's vehicle with enough time to take sufficient action to avoid the collision.
7. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, there was not enough distance between your vehicle and the Plaintiff's vehicle to insure that your vehicle would not collide with Plaintiff's vehicle.
8. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you did not apply the brakes on your vehicle before your vehicle collided with Plaintiff's vehicle.
9. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you did not apply the brakes on your vehicle with enough time to insure that your vehicle would not collide with Plaintiff's vehicle.
10. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you did not maintain a safe distance as you approached the Plaintiff's vehicle.
11. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, that this collision was avoidable.
12. That on the date stated in Request No. 1 and at the time of the collision made the basis of

this suit, that this collision was not the result of any sudden and unforeseen emergency.

13. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit that Plaintiff's conduct did not contribute to this accident.
14. Plaintiff has properly named this Defendant in Plaintiff's original complaint.
15. Defendant was driving the vehicle as described in the police report, Exhibit "G", and was involved in a collision on that date while driving.
16. That, at the time of the collision, Defendant owned the vehicle involved in the collision.
17. That, on the date of the collision, Defendant did not have a valid driver's license.
18. That, on the date of the collision, Defendant's driver's license was revoked or suspended.
19. That, on the date of the collision, Defendant was violating a restriction placed on his driver's license.
20. That the condition of the road surface did not contribute to the cause of the collision.
21. That the lighting conditions did not contribute to the cause of the collision.
22. That the weather conditions did not contribute to the cause of the collision.
23. That a sudden emergency did not contribute to the cause of the collision.
24. That Defendant does not contend the collision was unavoidable.
25. That no defect or malfunction in the vehicle Defendant was driving contributed to the cause of the collision.
26. That Defendant does not have normal vision without the use of corrective lenses.
27. That Defendant was not wearing corrective lenses at the time of the collision.
28. That Defendant was under the care of a medical practitioner or other practitioner of the healing arts during the month before the collision.
29. That Defendant was not injured as a result of the collision.
30. That on the date of the collision, Defendant's vehicle struck Plaintiff's vehicle.
31. That on the date of the collision, Defendant did not maintain a proper lookout while driving his vehicle.

32. That Defendant's failure to maintain a proper lookout immediately before the collision was the proximate cause of Defendant's vehicle striking the Plaintiff's vehicle.
33. That Defendant was under the influence of drugs or alcohol when the collision occurred.
34. That Defendant had ingested drugs or alcohol within the 24 hours before the collision.
35. That Defendant had consumed alcohol within four hours before the collision.
36. That Defendant's negligence was the sole proximate cause of the collision in question.
37. That Defendant's negligence was a proximate cause of the collision in question.
38. That on the date in Request No. 1, Defendant was arrested.
39. That on the date in Request No. 1 Defendant was arrested for driving while intoxicated.
40. That on the date in Request No. 1 Defendant was cited for driving while intoxicated.
41. That Plaintiff did not contribute any negligence to the cause of the collision in question.
42. That Plaintiff received injuries to several parts of her bodies as a result of the collision.

EXHIBIT B

REQUEST FOR ADMISSIONS TO DEFENDANT ENERGY

1. That on or about the **December 13, 2013**, the vehicle driven by Defendant BLOCKER collided with Plaintiff's vehicle.
2. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, ENERGY'S driver failed to control his speed before his vehicle collided Plaintiff's vehicle.
3. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, Defendant ENERGY'S driver failed to control his speed and collided with Plaintiff's vehicle.
4. That on the date stated in Request No. 1, at the time of the collision, ENERGY'S driver did nothing to avoid the collision with Plaintiff's vehicle.
5. That, at the time of the collision, Defendant ENERGY owned the vehicle involved in the collision.
6. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, ENERGY'S driver did not see the Plaintiff's vehicle with enough time to take sufficient action to avoid the collision.
7. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, ENERGY'S driver did not see the Plaintiff's vehicle with enough time to take sufficient action to avoid the collision.
8. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, there was not enough distance between ENERGY'S vehicle and the Plaintiff's vehicle to insure that ENERGY'S vehicle would not collide with Plaintiff's vehicle.
9. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, ENERGY'S driver did not apply the brakes on his vehicle before he vehicle collided with the Plaintiff's vehicle.
10. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, ENERGY'S driver did not pay attention and avoid the impact with Plaintiff's vehicle.
11. Plaintiff has properly named Defendants ENERGY in Plaintiff's original complaint.
13. Defendant BLOCKER was driving the vehicle as described in the police report, Exhibit "G". and was involved in a collision on that date while driving.
14. That, at the time of the collision, Defendant ENERGY leased the vehicle from Defendant

BLOCKER.

15. That the condition of the road surface did not contribute to the cause of the collision.
16. That the lighting conditions did not contribute to the cause of the collision.
17. That the weather conditions did not contribute to the cause of the collision.
18. That a sudden emergency did not contribute to the cause of the collision.
19. That Defendant does not contend the collision was unavoidable.
20. That Defendant ENERGY'S driver does not have normal vision without the use of corrective lenses.
21. That Defendant BLOCKER was not wearing corrective lenses at the time of the collision.
22. That Defendant BLOCKER was under the care of a medical practitioner or other practitioner of the healing arts during the month before the collision.
23. That on the date of the collision, Defendants ENERGY'S vehicle struck Plaintiff's vehicle.
24. That on the date of the collision, Defendant ENERGY'S driver did not maintain a proper lookout while driving his vehicle.
25. That Defendant ENERGY'S driver's failure to maintain a proper lookout immediately before the collision was the proximate cause of Defendant's vehicle striking Plaintiff's vehicle.
26. That Defendant ENERGY'S driver was under the influence of drugs or alcohol when the collision occurred.
27. That Defendant ENERGY'S driver had ingested drugs or alcohol within the 24 hours before the collision.
28. That Defendant ENERGY'S driver had consumed alcohol within four hours before the collision.
29. That Defendants ENERGY'S driver's negligence was the sole proximate cause of the collision in question.
30. That the negligence of Defendants ENERGY'S driver was a proximate cause of the collision in question.
31. That on the date of the collision, Defendant ENERGY'S driver did not maintain a proper lookout while driving his vehicle.
32. That Defendant's ENERGY'S driver's failure to maintain a proper lookout immediately before

the collision was the proximate cause of Defendant's vehicle striking Plaintiff's vehicle.

33. That Plaintiff did not contribute any negligence to the cause of the collision in question.
34. That Plaintiff received injuries to several parts of her body as a result of the collision.

EXHIBIT "C"

INTERROGATORIES PROPOUNDED ON DEFENDANT BLOCKER

1. State your name, address, telephone number, cell phone number, cellular provider on the date and at the time of the incident which serves as the basis of the underlying lawsuit, your social security number and date and place of birth.
2. Describe in detail you employment status at the present time and at the time of the subject incident, job title and job description, date of commencement and/or termination of employment and salary at such time.
3. On the date of the incident, describe in detail the vehicle you were driving. If you will, please include information on ownership and the operating condition of the vehicle.
4. State the name, address and phone number of any person who examined the vehicle for damages arising from this incident.
5. Was the vehicle that you were operating at the time of the subject accident damaged? If so, describe the damage, state whether it has been repaired, who repaired it and the cost of repairs.
6. Please state the registered owner of the subject vehicle.
7. Did you give a statement to anyone regarding the incident and if so, indicate the name, address and telephone number of the person to whom you gave the statement, contents of the statement, and if you gave more than one statement, give the same information regarding each statement.
8. Describe in detail the incident and each act or omission of each person in the incident. Please direct your attention to the following details in answering this Interrogatory:
 - a. Please state everything that you did, in the order in which it was done, in an attempt to avoid the subject vehicular collision. If you applied the brakes or horn at any time prior to the incident, please state as to your motor vehicle, the speed and the approximate distance in feet from the point of the incident when you so applied the brakes or horn, stating what was used. If there were any tire marks or any other marks on the road as a result of the incident, kindly describe the marks on the road as a result of the incident, kindly describe the marks in detail giving the length and location on the road surface and identify which motor vehicle cause each mark.
 - b. Please state everything you did, or failed to do, which contributed to the incident.

- c. If there were any obstructions to your view at or near the scene of the incident, please describe each such obstruction in detail, giving its location with relation to the incident.
 - d. If at the time and place of the incident the visibility of the intersecting road was limited or decreased from normal in any way due to glare, design, obstacles, weather or other condition, please describe in complete detail each and every such condition and every action taken to overcome or diminish the adverse effect of each such condition.
 - e. If there were any traffic controls, speed limit signs, signals, lights or other devices located at or near the place of the incident which were in any way involved in the happening of the incident, please describe such control or device indicating the direction of traffic controlled by such device and the manner in which it was involved in the incident.
9. State in detail any damages you claim to have sustained from the incident.
10. Describe in detail any citation, arrest, claim or other charge that may have been issued to you as a result of the incident, including grounds for same and the result of any hearing or judgment on the same, the date of such hearing or judgment and any fine, sentence or other penalty imposed.
11. State in detail any drug or alcohol taken or consumed by you within 72 hours of the incident and any regular drug you had taken at any time within the past year. If alcohol or drug was taken, include the time and date such alcohol was consumed, the name, address and phone number of the provider of the alcohol or drug, the exact name and brand of alcohol, the alcoholic content, type of alcohol or drug, quantity consumed and name, address and phone number of all persons who have knowledge of relevant facts concerning consumption of alcohol.
12. Describe in detail any insurance covering or potentially covering any claim arising from the occurrence, including types of coverage, limits of coverage, name and address of insurance company, policy number and whether such policy was in effect and paid at the time of the incident. If you will do so without a request to produce, please include a copy of the insurance policy and proof of payment.
13. Describe in detail any other arrests, convictions, accidents, incidents, license suspension or revocation or traffic citations you have been involved in. Include the dates, location, name, parties, witnesses, nature and extent of damages, hearings, lawsuits, orders, fines, penalties, judgments or convictions arising therefrom, including the details of driver's license, suspension or revocation actions, if any.

14. Please state your driver's license number, state of issuance, expiration date, any other states you are or have been licensed to operate a motor vehicle, and driver's license number for those states.
15. Please state the date you were first licensed to drive if your driver license was suspended or not renewed.
16. Please state any restrictions that are placed on your ability to drive (e.g. corrective lenses).
17. If you have been convicted of any felony or misdemeanor within the last ten (10) years, please provide the following information:
 - a. The offense(s) for which you were convicted.
 - b. The state(s) and date(s) of any such conviction(s)
 - c. A description of any sentence(s) or punishment served (this includes restitution, probation, etc.).

PURSUANT TO TEXAS RULES OF EVIDENCE 609, THIS IS YOUR ADVANCE WRITTEN NOTICE THAT WE INTEND TO USE ANY ADMISSIBLE INFORMATION ABOUT YOUR CRIMINAL HISTORY AT THE TRIAL OF THIS LAWSUIT.

16. Please describe what Plaintiff did that, in your opinion, makes her negligent in the incident which serves as the basis of the underlying lawsuit.
17. Please state who paid for the damages to the vehicle you were driving at the time of the subject vehicular collision.
18. Please state if you received injuries as a result of the accident in question.
19. Please list any other prior or subsequent accidents you has been involved.
20. State the names, addresses and phone number of all persons who you will call to testify and a summary of their testimony.
21. State the name, address and phone numbers of all persons who witnessed the accident in question.
23. Identify the names, addresses and phone numbers of all individuals who were passengers in your vehicle at the time of the subject accident.
24. Describe in detail the act or omission of each person whose negligence contributed to the occurrence in question.

EXHIBIT "D"
INTERROGATORIES PROPOUNDED ON DEFENDANT ENERGY

1. State your driver's name, address, telephone number, cell phone number, cellular provider on the date and at the time of the incident which serves as the basis of the underlying lawsuit, your social security number and date and place of birth.
2. Describe in detail your driver's employment status at the present time and at the time of the subject incident, job title and job description, date of commencement and/or termination of employment and salary at such time.
3. On the date of the incident, describe in detail the vehicle your driver was driving. If you will, please include information on ownership and the operating condition of the vehicle.
4. State the name, address and phone number of any person who examined the vehicle for damages arising from this incident.
5. Was the vehicle that your driver was operating at the time of the subject accident damaged? If so, describe the damage, state whether it has been repaired, who repaired it and the cost of repairs.
6. State the registered owner of the subject vehicle.
7. Describe in detail the incident and each act or omission of each person in the incident.

Please direct your attention to the following details in answering this Interrogatory:

- a. Please state everything that Defendant BLOCKER did, in the order in which it was done, in an attempt to avoid the subject vehicular collision. If you applied the brakes or horn at any time prior to the incident, please state as to Defendant BLOCKER'S motor vehicle, the speed and the approximate distance in feet from the point of the incident when he applied the brakes or horn, stating what was used. If there were any tire marks or any other marks on the road as a result of the incident, kindly describe the marks on the road as a result of the incident, and describe the marks in detail giving the length and location on the road surface and identify which motor vehicle cause each mark.
- b. Please state everything Defendant BLOCKER did, or failed to do, which contributed to the incident.
- c. If there were any obstructions to Defendant BLOCKER'S view at or near the scene of the incident, please describe each such obstruction in detail, giving its location with relation to the incident.

- d. If at the time and place of the incident the visibility of the intersecting road was limited or decreased from normal in any way due to glare, design, obstacles, weather or other condition, please describe in complete detail each and every such condition and every action taken to overcome or diminish the adverse effect of each such condition.
 - e. If there were any traffic controls, speed limit signs, signals, lights or other devices located at or near the place of the incident which were in any way involved in the happening of the incident, please describe such control or device indicating the direction of traffic controlled by such device and the manner in which it was involved in the incident.
- 8. State in detail any damages you claim to have sustained from the incident.
- 9. Describe in detail any citation, arrest, claim or other charge that may have been issued to your driver as a result of the incident, including grounds for same and the result of any hearing or judgment on the same, the date of such hearing or judgment and any fine, sentence or other penalty imposed.
- 10. State in detail any drug or alcohol taken or consumed by your driver within 72 hours of the incident and any regular drug your driver had taken at any time within the past year. If alcohol or drug was taken, include the time and date such alcohol was consumed, the name, address and phone number of the provider of the alcohol or drug, the exact name and brand of alcohol, the alcoholic content, type of alcohol or drug, quantity consumed and name, address and phone number of all persons who have knowledge of relevant facts concerning consumption of alcohol.
- 11. Describe in detail any insurance covering or potentially covering any claim arising from the occurrence, including types of coverage, limits of coverage, name and address of insurance company, policy number and whether such policy was in effect and paid at the time of the incident. If you will do so without a request to produce, please include a copy of the insurance policy and proof of payment.
- 12. Describe in detail any other arrests, convictions, accidents, incidents, license suspension or revocation or traffic citations your driver has been involved in. Include the dates, location, name, parties, witnesses, nature and extent of damages, hearings, lawsuits, orders, fines, penalties, judgments or convictions arising therefrom, including the details of driver's license, suspension or revocation actions, if any.
- 13. Please state your driver's license number, state of issuance, expiration date, any other states he is or has been licensed to operate a motor vehicle, and driver's license number for those states.
- 14. Please state the date your driver was first licensed to drive and if his license has ever been suspended or not renewed.

15. If your driver has been convicted of any felony or misdemeanor within the last ten (10) years, please provide the following information:
 - a. The offense(s) for which he was convicted.
 - b. The state(s) and date(s) of any such conviction(s)
 - c. A description of any sentence(s) or punishment served (this includes restitution, probation, etc.).

PURSUANT TO TEXAS RULES OF EVIDENCE 609, THIS IS YOUR ADVANCE WRITTEN NOTICE THAT WE INTEND TO USE ANY ADMISSIBLE INFORMATION ABOUT YOUR CRIMINAL HISTORY AT THE TRIAL OF THIS LAWSUIT.

16. Please describe what Plaintiff did that, in your opinion, makes her negligent in the incident which serves as the basis of the underlying lawsuit.
16. Please state the relationship between you and Defendant BLOCKER, indicating in your answer if he was an employee, independent contractor, etc., and state the length of time the relationship has existed.
18. Please list any other prior or subsequent accidents your driver has been involved.
19. State the names, addresses and phone number of all persons who you will call to testify and a summary of their testimony.
20. State the name, address and phone numbers of all persons who witnessed the accident in question.
22. Describe in detail the act or omission of each person whose negligence contributed to the occurrence in question.
23. Identify the names, addresses and phone numbers of all individuals who were passengers in your vehicle at the time of the subject accident.

EXHIBIT "E"

REQUEST FOR PRODUCTION TO DEFENDANT BLOCKER

1. Inspection and photographing of Defendant's vehicle.
2. The Declaration Sheet and policy of insurance insuring Defendant in this claim.
3. Any photographs, drawing, sketches, video recordings, motion pictures, tapes, recordings, graphic depiction or other tangible evidence concerning the scene of the accident, the vehicle involved in the collision or the parties or witnesses to this case.
4. All statements made by Plaintiff.
5. All damages, estimates, maintenance records, and pictures of Defendant's vehicle involved in the collision made the subject of this suit.
6. All investigation reports, accident reports, statements by witnesses (oral or recorded) concerning the accident made the subject of this suit which were generated prior to your receipt of notice from Plaintiff's attorney that Plaintiff was making a claim.
7. Copy of your driving and accident record.
8. Any documents showing the names, addresses and phone number of all persons with knowledge of relevant facts regarding any matter in any way related to the issues involved in this lawsuit.
9. Any and all reports, mental impressions, opinions, notes, resumes, physical models, compilations of data, statement or other written materials of any kind from any expert witness who will testify in this case or whose work product forms a basis either in whole or in part of the opinion of an expert who is to be called as an expert. If the discoverable factual observations, test, supporting data, calculations, photographs or opinions of any such expert witness who will be called as a witness have not been recorded or reduced to tangible form, those matters are hereby requested to be reduced to tangible form and produced.
10. Photographs and videotapes identified in your response to the Interrogatories.
11. Narrative summaries prepared by any person identified in your response to the Interrogatories.
12. Photographs and videotapes of any surveillance of Plaintiff.
13. All medical records of Plaintiff received by Defendant.
14. All incident reports for any injury suffered by Plaintiff.

15. All documents where Plaintiff's signature is contained on the document.
16. All documents obtained pursuant to any authorization signed by Plaintiff.
17. All documents concerning any alleged criminal violation committed by Plaintiff.
18. All photographs or videotapes taken by Defendant in response to Plaintiff's alleged injuries including, but not limited to, all videos or photographs taken by any private investigator for which Defendant has access to the photographs or videotapes.
19. All medical records of Plaintiff received from any source.
20. All documents concerning any of Plaintiff's previous or subsequent employers obtained by Defendant.
21. A copy of the accident report or any incident report prepared relating to this accident.
22. Pursuant to Texas Rules of Evidence 609, please produce all documents you have which suggests Plaintiff, Defendant, or any witness identified in this lawsuit, including expert and consulting witnesses, has been convicted of a crime which was a felony or one which involved moral turpitude. Please state the nature of the crime, date of conviction, court/county of conviction, disposition, and if probation was imposed, please state if the probation was successfully completed.

PURSUANT TO TEX. R. EVID. 609, THIS IS YOUR ADVANCE WRITTEN NOTICE THAT WE INTEND TO USE ANY ADMISSIBLE INFORMATION ABOUT YOUR CRIMINAL HISTORY AT THE TRIAL OF THIS LAWSUIT.

23. Please produce a copy of your current driver's license, if any, both front and back.
24. Please produce a copy of your Social Security Card, if any, both front and back.
25. If you do not have a driver's license, please produce a copy of any current identification card or document, both front and back.
26. Please produce a true and correct copy of the registration, certificate of insurance and title certificate of the vehicle that you were driving at the time of the accident.
27. All documents pertaining to any other motor vehicle accidents in which you have been involved in during your lifetime.
28. Produce a copy of your cell phone statement showing incoming and outgoing calls for the month when the incident made the basis of this suit happened.

EXHIBIT "F"

REQUEST FOR PRODUCTION TO DEFENDANT ENNERGY

1. Complete personnel file of Defendant Nicholas James Blocker, including but not limited to the application for employment, disciplinary file, write ups, evaluation, incident reports, moving violations, MVR records, including employee evaluations and any worker's compensation, or worker's injury file, medical file, disciplinary and all other file subparts. For purposes of this request, "personnel file" is defined as any documents or information in your possession which relate to Plaintiff's employment with you, regardless of whether such information is maintained in different locations, files or folders.
2. Complete file of any relationship between Defendant and Defendant Nicholas James Blocker, i.e. employer/employee, leasor/leasee, or any other contractual relationship.
3. Any accident report form or incident report completed by Defendant Nicholas James Blocker in connection with the incident made the basis of this lawsuit.
4. Please provide any photos that depict the damages to the vehicle driven by Defendant Nicholas James Blocker on the day of the incident made subject of this suit.
5. Please provide any documents and/or tangible things that show the repairs and/or estimate of repairs, for the vehicle driven by Defendant Nicholas James Blocker on the day of the incident made subject of this suit.
6. Please produce all reprimands, write-ups involving Defendant Nicholas James Blocker in connection with the incident made the basis of this lawsuit.
7. Please produce any and all emails, letters, correspondence, investigation reports, statements, memos, notes, other than work product and/or attorney client communication involving the incident in question.
8. Please produce the entire medical records for the eye procedures, examination, prescription, treatment and entire medical file for the eye care/eye exams/procedures of eyes /glasses/contacts/disease/prescription for Defendant Nicholas James Blocker.
9. Please produce any communications, memos, change of status involving Defendant Nicholas James Blocker, including but not limited to his:
 - a) disqualification as a driver;
 - b) notice of resignation.
10. Please produce any documents and/or tangible things that show depict Defendant Nicholas James Blocker's disqualification as a driver after the incident in question.
11. Please produce any documents and/or tangible things that show depict all the assessments/evaluations of Defendant Nicholas James Blocker before the incident in question.

12. Please produce any documents and/or tangible things that show depict all the assessments/evaluations of Defendant Nicholas James Blocker after the incident in question.
13. Describe this Defendant. Please include information address of Defendant and net worth of Defendant.
14. Describe with particularity the relationships and agreements between the named Defendant and any other person, firm or entity with regard to the ownership, maintenance, inspection and repair of the vehicle made the subject of this suit.
15. Provide any and all documentation including videos, manuals, notebooks, pamphlets and posters, provided to or shown to Defendant Nicholas James Blocker at the time of hiring or during the course of his employment or other relationship with you relating to driver training, safety or driving while intoxicated.
16. Provide copies of any and all Employee Training Manuals or Employee Policy Manuals and all documents including internal company memoranda and e-mails evidencing the policies that apply to all individuals operating vehicles owned by your company, including but not limited to information on driving while intoxicated and overall drive safety.
17. Provide copies of any and all policies and procedures relating to any actions taken or to be taken by you when one of your vehicles is involved in an accident, including your policies or procedures for investigating such accidents.
18. Provide all documentation including videos, manuals, notebooks, pamphlets, posters and "company" or internal memoranda and e-mails given to or shown to your employees, contractors and/or drivers regarding driver safety, including but not limited to driving while intoxicated.
19. If your employees, contractors and/or drivers have received any training via courses or classes regarding safe driving practices, including but not limited to driving while intoxicated, provide all documentation showing attendance in such courses or classes by Defendant Blocker and all class or course material including videos, manuals, notebooks, pamphlets and posters received during such training.
19. Produce all working papers, notes, calculations, diagrams, photographs, models, exhibits, and other documents, including reports and factual observations, prepared or reviewed by any expert who will testify at trial.
20. Produce all photographs, videotapes, depictions, and drawings that depict or pertain in any way to the subject matter of this suit.
21. Produce all statements made by any person or their representatives relating the subject matter of this suit.
22. Produce all documents that contain impeachment or rebuttal evidence.
23. Produce all investigations, reports, or other documentation, other than privileged communications, regarding your investigation of the accident made the basis of this lawsuit.

EXHIBIT G

Law Enforcement and TxDOT Use ONLY

☐ FATAL ☐ CMV ☐ SCHOOL BUS ☐ RAILROAD ☐ MAB ☐ SUPPLEMENT ☐ ACTIVE SCHOOL ZONE

Texas Peace Officer's Crash Report (Form CR-3 1/1/2010)

Total No. UI 3 Total Num. Plans 4 TxDOT Crash ID

Mail to: Texas Department of Transportation, Crash Records, P.O. Box 149340, Austin, TX 78714. Questions? Call (512) 486-5780

Refer to Attached Code Sheet for Numbered Fields

*= These fields are required on all additional sheets submitted for this crash (ex.: additional vehicles, occupants, injured etc.).

Page 1 of 4

* Crash Date (MM/DD/YYYY) <u>12/13/2013</u>		* Crash Time (24HRMM) <u>1725</u>		Case ID <u>13-347227</u>		Local Use	
* County Name <u>EL PASO</u>				* City Name <u>EL PASO</u>			
In your opinion, did this crash result in at least \$1,000 damage to any one person's property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				Latitude (decimal degrees)		Longitude (decimal degrees)	
ROAD ON WHICH CRASH OCCURED							
*1 Rdwy. Sys. <u>SH</u>		* Hwy. Num. <u>10</u>		2 Rdwy. Part. <u>1</u>		Block Num.	
3 Street Prefix <u>E</u>		* Street Name <u>MM30 I-10 EAST</u>		4 Street Suffix <u>HWY</u>			
<input type="checkbox"/> Crash Occurred on a Private Drive or Road/Private Property/Parking Lot				<input type="checkbox"/> Toll Road/Toll Lane		Speed Limit <u>60</u>	
Const. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				Workers <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Street Desc. <u>ONE WAY, THREE LANE</u>	
INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST INTERSECTING ROAD OR REFERENCE MARKER							
AI <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		1 Rdwy. Sys. <u>LR</u>		Hwy. Num.		2 Rdwy. Part. <u>1</u>	
Block Num. <u>1200</u>		3 Street Prefix		Street Name <u>LOMALAND</u>		4 Street Suffix <u>DR</u>	
Distance from Int. or Ref. Marker <u>0.50</u>		<input type="checkbox"/> FT <input checked="" type="checkbox"/> MI		3 Dir. from Int. or Ref. Marker <u>W</u>		Reference Marker	
Street Desc. <u>TWO WAY, FIVE LANE,</u>		RRX Num.					
Unit Num. <u>1</u>		5 Unit Desc. <u>1</u>		<input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Hit and Run		LP State <u>WY</u>	
Veh. Year <u>2007</u>		6 Veh. Color <u>WHI</u>		Veh. Make <u>CHEVROLET</u>		Veh. Model <u>C/K 2500</u>	
8 DL/D Type <u>1</u>		DL/D State <u>WY</u>		DL/D Num. <u>105885495</u>		9 DL Class <u>98</u>	
10 CDL End. <u>98</u>		11 DL Rest. <u>98</u>		DOB (MM/DD/YYYY) <u>04/23/1979</u>			
Address (Street, City, State, ZIP) <u>720 W. MAIN, SARATOGA, WY 82331</u>							
Name: Last, First, Middle Enter Driver Or Primary Person for this Unit on first line							
Person Num. <u>1</u>		12 Prsn. Type <u>1</u>		13 Seat Position <u>1</u>		Name: <u>BLOCKER, NICHOLAS JAMES</u>	
14 Injury Severity <u>N</u>		Age <u>34</u>		15 Ethnicity <u>W</u>		16 Sex <u>1</u>	
17 Eject. <u>1</u>		18 Restr. <u>1</u>		19 Airbag <u>2</u>		20 Helmet <u>97</u>	
21 Sol. <u>N</u>		22 Alc. Spec. <u>1</u>		Alc. Result <u>0.146</u>		23 Drug Spec. <u>96</u>	
24 Drug Result <u>97</u>		25 Drug Category <u>97</u>		Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each unit.			
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Lessee							
Owner/Lessee name & Address <u>BLOCKER, NICHOLAS JAMES 720 W. MAIN, SARATOGA, WY 82331</u>							
Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Expired <input type="checkbox"/> Exempt		28 Fin. Resp. Type <u>2</u>		Fin. Resp. Name <u>ALLIED PROPERTY & CASUALTY</u>	
Fin. Resp. Phone Num. <u>866-322-3214</u>		27 Vehicle Damage Rating 1 <u>1</u> <u>2</u> <u>F</u> <u>D</u> <u>5</u>		27 Vehicle Damage Rating 2		Vehicle Inventoried <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Towed By <u>SUN CITY TOWING</u>				Towed To <u>MUNICIPAL VEHICLE STORAGE FACILITY</u>			
Unit Num. <u>2</u>		5 Unit Desc. <u>1</u>		<input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Hit and Run		LP State <u>TX</u>	
Veh. Year <u>2010</u>		6 Veh. Color <u>RED</u>		Veh. Make <u>FORD</u>		Veh. Model <u>F-150</u>	
8 DL/D Type <u>1</u>		DL/D State <u>TX</u>		DL/D Num. <u>00592155</u>		9 DL Class <u>C</u>	
10 CDL End. <u>96</u>		11 DL Rest. <u>96</u>		DOB (MM/DD/YYYY) <u>04/23/1962</u>			
Address (Street, City, State, ZIP) <u>9133 SWEET ACACIA, EL PASO, TX 79907</u>							
Name: Last, First, Middle Enter Driver Or Primary Person for this Unit on first line							
Person Num. <u>1</u>		12 Prsn. Type <u>1</u>		13 Seat Position <u>1</u>		Name: <u>ROSAS, MARIA LUZ</u>	
14 Injury Severity <u>C</u>		Age <u>51</u>		15 Ethnicity <u>H</u>		16 Sex <u>2</u>	
17 Eject. <u>1</u>		18 Restr. <u>1</u>		19 Airbag <u>1</u>		20 Helmet <u>97</u>	
21 Sol. <u>N</u>		22 Alc. Spec. <u>96</u>		Alc. Result		23 Drug Spec. <u>96</u>	
24 Drug Result <u>97</u>		25 Drug Category <u>97</u>		Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each unit.			
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Lessee							
Owner/Lessee name & Address <u>ROSAS, MARIA LUZ 9133 SWEET ACACIA, EL PASO, TX 79907</u>							
Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Expired <input type="checkbox"/> Exempt		28 Fin. Resp. Type <u>2</u>		Fin. Resp. Name <u>FARMERS</u>	
Fin. Resp. Phone Num. <u>915-771-6151</u>		27 Vehicle Damage Rating 1 <u>6</u> <u>B</u> <u>D</u> <u>5</u>		27 Vehicle Damage Rating 2		Vehicle Inventoried <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Towed By <u>SUN CITY TOWING</u>				Towed To <u>TOWED TO OWNER/DRIVER'S REQUEST</u>			

PUBLIC RECORD INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
DATA OPEN RECORDS ACT (2008-178 V.A.C.B.)

DATE 12/14/13 BY 01324

Law Enforcement and TxDOT Use ONLY.		Case ID	TxDOT Crash ID		Page 2 of 4							
Form CR-3 01/01/2010												
DISPOSITION OF INJURED/KILLED	Unit Num.	Prsn. Num.	Taken To	Taken By	Date of Death (MM/DD/YYYY)	Time of Death (24HRMM)						
	2	1	SIERRA PROVIDENCE EAST	FIRE MEDICAL SERVICE								
	2	2	SIERRA PROVIDENCE EAST	FIRE MEDICAL SERVICE								
	3	1	SIERRA PROVIDENCE EAST	FIRE MEDICAL SERVICE								
CHARGES	Unit Num.	Prsn. Num.	Charge	Citation/Reference Num.								
	1	1	DRIVING WHILE INTOXICATED BAC >= 0.15	DIMS CASE								
DAMAGE	Damaged Property Other Than Vehicles		Owner's Name		Owner's Address							
CARRIER	Unit Num.	<input type="checkbox"/> 10,001+ LBS. <input type="checkbox"/> TRANSPORTING HAZARDOUS MATERIAL <input type="checkbox"/> 9+ CAPACITY		28 Veh. Oper.	29 Carrier ID Type	Carrier ID Num.						
	Carrier's Corp. Name			Carrier's Primary Addr.								
	30 Rdwy. Access	31 Veh. Type	<input type="checkbox"/> RGVW <input type="checkbox"/> GVWR	HazMat Released <input type="checkbox"/> Yes <input type="checkbox"/> No	32 HazMat Class Num.	32 HazMat ID Num.						
	33 Cargo Body Style	Trailer 1 Unit Num.	<input type="checkbox"/> RGVW <input type="checkbox"/> GVWR	34 Trlr. Type	Trailer 2 Unit Num.	<input type="checkbox"/> RGVW <input type="checkbox"/> GVWR						
	Sequence Of Events	35 Seq. 1	35 Seq. 2	35 Seq. 3	35 Seq. 4	Total Num. Axles						
FACTORS & CONDITIONS	36 Contributing factors (Investigator's Opinion)			37 Vehicle Defects (Investigator's Opinion)		Environmental and Roadway Conditions						
	Unit Num.	Contributing	May Have Contrib.	Contributing	May Have Contrib.	38 Weather Cond.	39 Light Cond.	40 Entering Roads	41 Roadway Type	42 Roadway Alignment	43 Surface Condition	44 Traffic Control
	1	67		44		1	3	97	4	1	1	17
NARRATIVE AND DIAGRAM	Investigator's Narrative Opinion of What Happened (Attach Additional Sheets If Necessary)					Field Diagram - Not to Scale						
	<p>I-10 East MM-29 is a three lane, one way roadway running east. Unit # 1 was traveling on the inside lane when it struck Unit #2 from behind who was stopped for traffic. Unit #2 then struck Unit # 3 from Unit # 1's impact. Driver from Unit #2 claimed injuries to her head, neck and back and the passenger claimed injury to his head. Driver from Unit # 3 also claimed injuries to his head, neck and back. All injured parties were taken to Sierra Medical East to receive further medical treatment. There were no witnesses located at the scene. An incident report was also created utilizing the same case number (13-347227).</p>					<p>Indicate North</p>						
INVESTIGATOR	Time Notified (24HRMM)		How Notified		Time Arrived (24HRMM)		Report Date (MM/DD/YYYY)					
	1 7 2 6		DISPATCHED		1 7 3 5		1 2 / 1 3 / 2 0 1 3					
INVESTIGATOR	Invest. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Investigator Name (Printed)		Agency		ID					
			NEVAREZ, EMILIANO		EL PASO POLICE DEPARTMENT		22648					
ORI Num.		T X 0 7 1 0 2 0 0		* Agency		EL PASO POLICE DEPARTMENT						
<p>ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE HAVE BEEN REMOVED IN ACCORDANCE WITH THE TEXAS OPEN RECORDS ACT (2008 H.B. 2666) BY: [Signature]</p>												

Law Enforcement and TxDOT Use ONLY

☐ FATAL ☐ CMV ☐ SCHOOL BUS ☐ RAILROAD ☐ MAB ☐ SUPPLEMENT ☐ ACTIVE SCHOOL ZONE

Texas Peace Officer's Crash Report (Form CR-3 1/1/2010)

Total Nr Of Veh.	3	Total Num. Prns.	4	TxDOT Crash ID
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Mail to: Texas Department of Transportation, Crash Records, P.O. Box 149349, Austin, TX 78714. Questions? Call (512) 486-5780
Refer to Attached Code Sheet for Numbered Fields

* = These fields are required on all additional sheets submitted for this crash (ex.: additional vehicles, occupants, injured etc.).

Page 3 of 4

* Crash Date (MM/DD/YYYY) 12/13/2013		* Crash Time (24HRMM) 1725		Case ID 13-347227		Local Use	
* County Name EL PASO				* City Name EL PASO			
In your opinion, did this crash result in at least \$1,000 damage to any one person's property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				Latitude (decimal degrees)		Longitude (decimal degrees)	
ROAD ON WHICH CRASH OCCURRED							
*1 Rdwy. Sys. SH		* Hwy. Num. 10		2 Rdwy. Part 1		Block Num.	
3 Street Prefix E		* Street Name MM30 I-10 EAST		4 Street Suffix HWY			
<input type="checkbox"/> Crash Occurred on a Private Drive or Road/Private Property/Parking Lot				<input type="checkbox"/> Toll Road/ Toll Lane		Speed Limit 60	
Const. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				Workers <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Street Desc ONE WAY, THREE LANE	
INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST INTERSECTING ROAD OR REFERENCE MARKER							
At <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		1 Rdwy. Sys. LR		Hwy. Num.		2 Rdwy. Part 1	
Block Num. 1200		3 Street Prefix		Street Name LOMALAND		4 Street Suffix DR	
Distance from Int. or Ref. Marker 0.50		<input type="checkbox"/> FT <input checked="" type="checkbox"/> MI		3 Dir. from Int. or Ref. Marker W		Reference Marker	
Street Desc TWO WAY, FIVE LANE,		RRX Num.					
Unit Num. 3		5 Unit Desc. 1		<input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Hit and Run		LP State TX	
LP Num. 32WCW6		VIN 1F1P1W14V97K93050					
Veh. Year 2007		6 Veh. Color BLU		Veh. Make FORD		Veh. Model F-150	
7 Body Style PK		<input type="checkbox"/> Pol. Fire, EMS on Emergency (Explain in Narrative if checked)					
8 DLID Type 1		DLID State TX		DLID Num. 06540515		9 DL Class C	
10 CDL End. 96		11 DL Rest. 96		DOB (MM/DD/YYYY) 09/25/1960			
Address (Street, City, State, ZIP) 2129 SHREYA, EL PASO, TX 79938							
Person Num. 1		12 Psn. Type 1		13 Seat Position 1		Name: Last, First, Middle PAZ, FRANCISCO	
14 Injury Severity C		Age 53		15 Ethnicity H		16 Sex 1	
17 Elect. 1		18 Restr. 1		19 Airbag 1		20 Helmet 97	
21 Sol. N		22 No. Spec. 96		23 Drug Spec. 96		24 Drug Result 97	
25 Drug Category 97				Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each unit.			
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Lessee		Owner/Lessee name & Address PAZ, FRANCISCO 2129 SHREYA, EL PASO, TX 79938					
Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Expired <input type="checkbox"/> Exempt		28 Fin. Resp. Type 2		Fin. Resp. Name GEICO	
Fin. Resp. Phone Num. 915-588-7837		27 Vehicle Damage Rating 1 6		27 Vehicle Damage Rating 2 B D 2		Vehicle <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Towed By		Towed To					
Unit Num.		5 Unit Desc.		<input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Hit and Run		LP State	
LP Num.		VIN					
Veh. Year		6 Veh. Color		Veh. Make		Veh. Model	
7 Body Style		<input type="checkbox"/> Pol. Fire, EMS on Emergency (Explain in Narrative if checked)					
8 DLID Type		DLID State		DLID Num.		9 DL Class	
10 CDL End.		11 DL Rest.		DOB (MM/DD/YYYY)			
Address (Street, City, State, ZIP)							
Person Num.		12 Psn. Type		13 Seat Position		Name: Last, First, Middle	
14 Injury Severity		Age		15 Ethnicity		16 Sex	
17 Elect.		18 Restr.		19 Airbag		20 Helmet	
21 Sol.		22 No. Spec.		23 Drug Spec.		24 Drug Result	
25 Drug Category				Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each unit.			
<input type="checkbox"/> Owner <input type="checkbox"/> Lessee		Owner/Lessee name & Address					
Proof of Fin. Resp. <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Expired <input type="checkbox"/> Exempt		28 Fin. Resp. Type		Fin. Resp. Name	
Fin. Resp. Phone Num.		27 Vehicle Damage Rating 1		27 Vehicle Damage Rating 2		Vehicle <input type="checkbox"/> Yes <input type="checkbox"/> No	
Towed By		Towed To					

PUBLIC RECORD INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS OPEN RECORDS ACT (6252-17a V.A.)
BY: [Signature]
Date: [Date]

Law Enforcement and TxDOT Use ONLY.
Form CR-3 01/01/2010Case ID **.7227**

TxDOT Crash ID

Page **4** of **4**

DISPOSITION OF INJURED/KILLED	Unit Num.	Prsn. Num.	Taken To	Taken By	Date of Death (MM/DD/YYYY)	Time of Death (24HRMM)

CHARGES	Unit Num.	Prsn. Num.	Charge	Citation/Reference Num.

DAMAGE	Damaged Property Other Than Vehicles		Owner's Name	Owner's Address

CARRIER	Unit Num.	<input type="checkbox"/> 10,001+ LBS. <input type="checkbox"/> TRANSPORTING HAZARDOUS MATERIAL <input type="checkbox"/> 9+ CAPACITY	28 Veh. Oper.	29 Carrier ID Type	Carrier ID Num.
	Carrier's Corp. Name	Carrier's Primary Addr.			
30 Rdwy. Access	31 Veh. Type	<input type="checkbox"/> RGWW <input type="checkbox"/> GVWR	HazMat Released <input type="checkbox"/> Yes <input type="checkbox"/> No	32 HazMat Class Num.	32 HazMat ID Num.
33 Cargo Body Style	Trailer 1	Unit Num.	<input type="checkbox"/> RGWW <input type="checkbox"/> GVWR	34 Trlr. Type	Trailer 2
Sequence Of Events	35 Seq. 1	35 Seq. 2	35 Seq. 3	35 Seq. 4	Total Num. Axles
36 Contributing factors (Investigator's Opinion)		37 Vehicle Defects (Investigator's Opinion)		Environmental and Roadway Conditions	
Unit Num.	Contributing	May Have Contrib.	Contributing	May Have Contrib.	38 Weather Cond.
3					39 Light Cond.
					40 Entering Roads
					41 Roadway Type
					42 Roadway Alignment
					43 Surface Condition
					44 Traffic Control
					1
					3
					97
					4
					1
					1
					17

INVESTIGATOR'S NARRATIVE AND DIAGRAM	Investigator's Narrative Opinion of What Happened (Attach Additional Sheets if Necessary)		Indicate North	Field Diagram - Not to Scale

INVESTIGATOR USE	Time Notified (24HRMM)	How Notified	Time Arrived (24HRMM)	Report Date
		1 7 2 6	DISPATCHED	1 7 3 5
Invest. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Investigator Name (Printed) NEVAREZ, EMILIANO			
ORI Num.	T X 0 7 1 0 2 0 0			
* Agency EL PASO POLICE DEPARTMENT				
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE HAVE BEEN REMOVED IN ACCORDANCE WITH THE TEXAS OPEN RECORDS ACT DATE: 1 7 8 6 BY: 1 7 8 6				

Texas Peace Officer's Crash Report - Code Sheet

Numbered Fields on the CR-3 Refer to the Numbered Lists on this Code Sheet. Each list includes the codes that may be entered on the form and the description of each code.

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Law Enforcement and TxDOT Use ONLY.
Form CR-3CS 1/1/2010

1. Roadway System IH = Interstate US = US Highway SH = State Highway FM = Farm to Market RR = Ranch Road RM = Ranch to Market BI = Business Interstate BU = Business US BS = Business State BF = Business FM SL = State Loop TL = Toll Road		2. Roadway Part 1 = Main/Proper Lane 2 = Service Frontage Road 3 = Entrance/On Ramp 4 = Exit/Off Ramp 5 = Connector/Flyover 98 = Other (Explain in Narrative)		3. Street Prefix Direction from Int. or Ref. Marker N = North NE = Northeast E = East SE = Southeast S = South SW = Southwest W = West NW = Northwest		4. Street Suffix RD = Road ST = Street DR = Drive AVE = Avenue BLVD = Boulevard PKWY = Parkway LN = Lane FWY = Freeway HWY = Highway WAY = Way TRL = Trail LOOP = Loop EXPY = Expressway CT = Court CIR = Circle PL = Plaza PARK = Park CV = Cove	
5. Unit Description 1 = Motor Vehicle 2 = Train 3 = Pedalcyclist 4 = Pedestrian 5 = Motorized Conveyance 6 = Towed Trailer 7 = Non-Contact 98 = Other (Explain in Narrative)		6. Vehicle Color BGE = Beige BLK = Black BLU = Blue BRZ = Bronze BRO = Brown CAM = Camouflage CPR = Copper GLD = Gold GRY = Gray GRN = Green MAR = Maroon MUL = Multicolored ONG = Orange PNK = Pink PLE = Purple RED = Red SIL = Silver TAN = Tan TEA = Teal (green) TRQ = Turquoise (blue) WHI = White YEL = Yellow 98 = Other (Explain in Narrative) 99 = Unknown		7. Body Style P2 = Passenger Car, 2-Door P4 = Passenger Car, 4-Door PK = Pickup AM = Ambulance BU = Bus SB = School Bus FE = Farm Equipment FT = Fire Truck MC = Motorcycle SV = Sport Utility Vehicle PC = Police Car/Truck PM = Police Motorcycle TL = Trailer, Semi-Trailer, or Pole Trailer TR = Truck TT = Truck Tractor VN = Van 98 = Other (Explain in Narrative) 99 = Unknown		8. Driver License/ID Type 1 = Driver License 2 = Commercial Driver Lic. 3 = Occupational 4 = ID Card 5 = Unlicensed 98 = Other 99 = Unknown	
9. Driver License Class A = Class A AM = Class A and M B = Class B BM = Class B and M C = Class C CM = Class C and M M = Class M 5 = Unlicensed 98 = Other/Out of State 99 = Unknown		10. Commercial Driver License Endorsements H = Hazardous Materials N = Tank Vehicles P = Passengers S = School Bus T = Double/Triple Trailer X = Tank Vehicle with HazMat 5 = Unlicensed 98 = None 99 = Other/Out of State 99 = Unknown		11. Driver License Restrictions A = With Corrective Lenses B = LOFS Age 21 or Over C = Daytime Only D = Not to Exceed 45 MPH E = No Expressway Driving F = Must Hold Valid Learner Lic. to MM/DD/YY G = TRC 545.424 Applies until MM/DD/YY H = Vehicle Not to Exceed 26,000 lbs GVWR I = Motorcycle Not to Exceed 250 CC J = Licensed Motorcycle Operator Age 21 or Over in Slight K = Moped L = Vehicle w/o Air Brakes - Applies to Vehicles Requiring CDL M = CDL Intrastate Commerce Only N = Ignition Interlock Required O = Occ./Essent. Need DL-No CMV-See Court Order P = Stated on License Q = LOFS 21 or Over Vehicle Above Class B R = LOFS 21 or Over Vehicle Above Class C S = Outside Rear View Mirror or Hearing Aid T = Automatic Transmission U = Applicable Prosthetic Devices V = Applicable Vehicle Devices W = Power Steering X = Vehicle Not to Exceed Class C Y = Valid TX Vision or Limb Waiver Req'd. Z = Valid Fed. Vision or Limb Waiver Req'd. 5 = Unlicensed 98 = None 99 = Other/Out of State 99 = Unknown			
12. Person Type 1 = Driver 2 = Passenger/Occupant 3 = Pedalcyclist 4 = Pedestrian 5 = Driver of Motorcycle Type Vehicle 6 = Passenger/Occupant on Motorcycle Type Vehicle 98 = Other (Explain in Narrative) 99 = Unknown		13. Seat Position 1 = Front Left 2 = Front Center 3 = Front Right 4 = Second Seat Left 5 = Second Seat Center 6 = Second Seat Right 7 = Third Seat Left 8 = Third Seat Center 9 = Third Seat Right 10 = Cargo Area 11 = Outside Vehicle 13 = Other in Vehicle 14 = Passenger in Bus 16 = Pedestrian, Pedalcyclist, or Motorized Conveyance 98 = Other (Explain in Narrative) 99 = Unknown		14. Injury Severity A = Incapacitating Injury B = Non-Incapacitating Injury C = Possible Injury K = Killed N = Not Injured 99 = Unknown		15. Ethnicity W = White B = Black H = Hispanic A = Asian I = Amer. Indian/Alaskan Native 98 = Other 99 = Unknown	
16. Sex 1 = Male 2 = Female 99 = Unknown		17. Elected 1 = No 2 = Yes 3 = Yes, Partial 97 = Not Applicable 99 = Unknown					
18. Restraint Used 1 = Shoulder and Lap Belt 2 = Shoulder Belt Only 3 = Lap Belt Only 4 = Child Seat, Facing Forward 5 = Child Seat, Facing Rear 6 = Child Seat, Unknown 7 = Child Booster Seat 98 = None 97 = Not Applicable 98 = Other (Explain in Narrative) 99 = Unknown		19. Airbag 1 = Not Deployed 2 = Deployed, Front 3 = Deployed, Side 4 = Deployed, Rear 5 = Deployed, Multiple 97 = Not Applicable 99 = Unknown		20. Helmet Use 1 = Not Worn 2 = Worn, Damaged 3 = Worn, Not Damaged 4 = Worn, Unk. Damage 97 = Not Applicable 98 = Unknown if Worn		21. Solicitation Y = Solicit N = No Solicit	
22. Alcohol Specimen Type 1 = Breath 2 = Blood 3 = Urine 4 = Refused 96 = None 98 = Other (Explain in Narrative)		23. Drug Specimen Type 2 = Blood 3 = Urine 4 = Refused 96 = None 98 = Other (Explain in Narrative)		24. Drug Test Result 1 = Positive 2 = Negative 97 = Not Applicable 99 = Unknown		25. Drug Category 2 = CNS Depressants 3 = CNS Stimulants 4 = Hallucinogens 6 = Narcotic Analgesics 7 = Inhalants 8 = Cannabis 10 = Dissociative Anesthetics 11 = Multiple Drugs (Explain in Narrative) 97 = Not Applicable 98 = Other Drugs (Explain in Narrative) 99 = Unknown	
26. Financial Responsibility Type 1 = Liability Insurance Policy 2 = Proof of Liability Insurance 3 = Insurance Binder 4 = Surety Bond 5 = Certificate of Deposit with Comptroller 6 = Certificate of Deposit with County Judge 7 = Certificate of Self-Insurance		27. Vehicle Damage Rating In most cases, enter in the format XX-ABC-Y, where XX is the Direction of Force (1-12), ABC is the Damage Description 2- or 3-letter code, and Y is the Damage Severity (0-7). In special cases, use: VB-1 = vehicle burned, NOT due to collision VB-7 = vehicle catches fire due to the collision TP-0 = top damage only VX-0 = undercarriage damage only MC-1 = motorcycle, moped, scooter, etc. NA = Not Applicable (Farm Tractor, etc.)					

PUBLIC RECORDS INFORMATION
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS OPEN RECORDS ACT (8222-17a V.A.C.S.)
 DATE: 11/1/2010

Texas Peace Officer's Crash Report - Code Sheet

Numbered Fields on the CR-3 Refer to the Numbered Lists on this Code Sheet. Each list includes the codes that may be entered on the form and the description of each code.

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Law Enforcement and TxDOT Use ONLY.
Form CR-3CS 1/1/2010

COMMERCIAL MOTOR VEHICLE	28. Vehicle Operation 1 = Interstate Commerce 2 = Intrastate Commerce 3 = Not in Commerce 4 = Government 5 = Personal	29. Carrier ID Type 1 = US DOT 2 = TxDOT 3 = ICC/MC 98 = None 99 = Other (Explain in Narrative)	30. Roadway Access 1 = Full Access Control 2 = Partial Access Control 3 = No Access Control	31. Vehicle Type 1 = Passenger Car 2 = Light Truck 3 = Bus (9-15) 4 = Bus (>15) 5 = Single Unit Truck 2 Axles 6 Tires 6 = Single Unit Truck 3 or More Axles 7 = Truck Trailer 8 = Truck Tractor (Bobtail) 9 = Tractor/Semi Trailer 10 = Tractor/Double Trailer 11 = Tractor/Triples Trailer 98 = Other (Explain in Narrative) 99 = Unknown Heavy Truck	32. Hazardous Material Class Number 1 = Explosives 2 = Gases 3 = Flammable Liquids 4 = Flammable Solids 5 = Oxidizers and Organic Peroxides 6 = Toxic Materials and Infectious Substances 7 = Radioactive Materials 8 = Corrosive Materials 9 = Miscellaneous Dangerous Goods
	33. Cargo Body Style 1 = Bus (9-15) 2 = Bus (>15) 3 = Van/Enclosed Box 4 = Cargo Tank 5 = Flatbed 6 = Dump 7 = Concrete Mixer	8 = Auto Transporter 9 = Garbage Refuse 10 = Grain Chute Gravel 11 = Pole 13 = Intermodal 14 = Logging	15 = Vehicle Towing Another Vehicle 97 = Not Applicable 98 = Other (Explain in Narrative)	34. Trailer Type 1 = Full Trailer 2 = Semi-Trailer 3 = Pole Trailer	
FACTORS AND CONDITIONS	35. Sequence of Events 1 = Non-Collision: Ran Off Road 2 = Non-Collision: Jackknife 3 = Non-Collision: Overturn Rollover 4 = Non-Collision: Downhill Runaway 5 = Non-Collision: Cargo Loss Or Shift 6 = Non-Collision: Explosion Or Fire 7 = Non-Collision: Separation of Units 8 = Non-Collision: Cross Median/Centerline 9 = Non-Collision: Equipment Failure 10 = Non-Collision: Other 11 = Non-Collision: Unknown 12 = Collision Involving Pedestrian 13 = Collision Involving Motor Vehicle in Transport 14 = Collision Involving Parked Motor Vehicle 15 = Collision Involving Train 16 = Collision Involving Pedalcycle 17 = Collision Involving Animal 18 = Collision Involving Fixed Object 19 = Collision With Work Zone Maintenance Equipment 20 = Collision With Other Movable Object 21 = Collision With Unknown Movable Object 98 = Other (Explain in Narrative)				
	36. Factors and Conditions 1 = Animal on Road - Domestic 2 = Animal on Road - Wild 3 = Backed without Safety 4 = Changed Lane when Unsafe 5 = Disabled in Traffic Lane 6 = Disregard Stop and Go Signal 7 = Disregard Stop Sign or Light 8 = Disregard Turn Marks at Intersection 9 = Disregard Warning Sign at Construction 10 = Distraction in Vehicle 11 = Driver Inattention 12 = Drove Without Headlights 13 = Failed to Control Speed 14 = Failed to Drive in Single Lane 15 = Failed to Give Half of Roadway 16 = Failed to Heed Warning Sign 17 = Failed to Pass to Left Safely 18 = Failed to Pass to Right Safely 19 = Failed to Signal or Gave Wrong Signal 20 = Failed to Stop at Proper Place 21 = Failed to Stop for School Bus 22 = Failed to Stop for Train 23 = Failed to Yield ROW - Emergency Vehicle 24 = Failed to Yield ROW - Open Intersection 25 = Failed to Yield ROW - Private Drive 26 = Failed to Yield ROW - Stop Sign 27 = Failed to Yield ROW - To Pedestrian 28 = Failed to Yield ROW - Turning Left 29 = Failed to Yield ROW - Turn on Red 30 = Failed to Yield ROW - Yield Sign 31 = Fatigued or Asleep 32 = Faulty Evasive Action 33 = Fire in Vehicle 34 = Fleeing or Evading Police 35 = Followed Too Closely 36 = Had Been Drinking 37 = Handicapped Driver (Explain in Narrative) 38 = Ill (Explain in Narrative) 39 = Impaired Visibility (Explain in Narrative) 40 = Improper Start from Parked Position 41 = Load Not Secured 42 = Opened Door into Traffic Lane 43 = Oversized Vehicle or Load 44 = Overtake and Pass Insufficient Clearance 45 = Parked and Failed to Set Brakes 46 = Parked in Traffic Lane 47 = Parked without Lights 48 = Passed in No Passing Lane 49 = Passed on Right Shoulder 50 = Pedestrian FTYROW to Vehicle 51 = Unsafe Speed 52 = Speeding - (Over Limit) 53 = Taking Medication (Explain in Narrative) 54 = Turned Improperly - Cul Corner on Left 55 = Turned Improperly - Wide Right 56 = Turned Improperly - Wrong Lane 57 = Turned when Unsafe 58 = Under Influence - Alcohol 59 = Under Influence - Drug 60 = Wrong Side - Approach or Intersection 61 = Wrong Side - Not Passing 62 = Wrong Way - One Way Road 63 = Cell/Mobile Phone Use 64 = Road Rage 98 = Other (Explain in Narrative)				
FACTORS AND CONDITIONS	37. Vehicle Defects 1 = Defective or No Headlamps 2 = Defective or No Stop Lamps 3 = Defective or No Tail Lamps 4 = Defective or No Turn Signal Lamps 5 = Defective or No Trailer Brakes 6 = Defective or No Vehicle Brakes 7 = Defective Steering Mechanism 8 = Defective or Slick Tires 9 = Defective Trailer Hitch 98 = Other (Explain in Narrative)	38. Weather Condition 1 = Clear 2 = Cloudy 3 = Rain 4 = Sleet/Hail 5 = Snow 6 = Fog 7 = Blowing Sand/Snow 8 = Severe Crosswinds 98 = Other (Explain in Narrative) 99 = Unknown	39. Light Condition 1 = Daylight 2 = Dark, Not Lighted 3 = Dark, Lighted 4 = Dark, Unknown Lighting 5 = Dawn 6 = Dusk 98 = Other (Explain in Narrative) 99 = Unknown	40. Entering Roads 1 = Three Entering Roads - T 2 = Three Entering Roads - Y 3 = Four Entering Roads 4 = Five Entering Roads 5 = Six Entering Roads 6 = Traffic Circle 7 = Cloverleaf 97 = Not Applicable 98 = Other (Explain in Narrative)	
	41. Roadway Type 1 = Two-Way, Not Divided 2 = Two-Way, Divided, Unprotected Median 3 = Two-Way, Divided, Protected Median 4 = One-Way 98 = Other (Explain in Narrative)	42. Roadway Alignment 1 = Straight, Level 2 = Straight, Grade 3 = Straight, Hillcrest 4 = Curve, Level 5 = Curve, Grade 6 = Curve, Hillcrest 98 = Other (Explain in Narrative) 99 = Unknown	43. Surface Condition 1 = Dry 2 = Wet 3 = Standing Water 4 = Snow 5 = Slush 6 = Ice 7 = Sand, Mud, Dirt 98 = Other (Explain in Narrative) 99 = Unknown	44. Traffic Control 1 = Inoperative (Explain in Narrative) 2 = Officer 3 = Flagman 4 = Signal Light 5 = Flashing Red Light 6 = Flashing Yellow Light 7 = Stop Sign 8 = Yield Sign 9 = Warning Sign 10 = Center Stripe/Divider 11 = No Passing Zone 12 = RR Gate/Signal 13 = Crosswalk 14 = Blue Lane 15 = Marked Lanes 16 = Signal Light With Red Light Running Camera 98 = None 99 = Other (Explain in Narrative)	

PUBLIC RECORD INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS OPEN RECORDS ACT (8252-17a V.A.C. 91)
DATE: 8/1/16

Norma L. Favela
District Clerk
El Paso County
2015DCV3988

www.ck12.org

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Defendant NICHOLAS JAMES BLOCKER is a resident of Sarasota, Wyoming and may be served with process by serving the Chairman of Texas Transportation Commission, 125 E. 11th St., Austin, Texas, 78701.

Defendant ENERGY TRANSPORTATION, INC. is a Wyoming corporation doing business in Texas and may be served with process by serving via certified mail, return receipt requested its Registered Agent, Michael Lansing, 125 W. 2nd St, Casper, Wyoming, 82601.

III.

Venue & Jurisdiction

Venue is proper in El Paso County, Texas, pursuant to Tex.Civ.Prac. & Rem. Code §15.002(a)(1) because El Paso County, Texas, is the county in which all or a substantial part of the events or omissions giving rise to the underlying claim occurred. Jurisdiction is proper in this Texas state Court in that Plaintiff has asserted damages within the jurisdictional limits of the Court.

IV.

Background and Facts

The injuries and damages suffered by Plaintiff and made the basis of this action arose out of a collision that occurred on or about December 13, 2013, on I-10 at or near Milepost 30 in El Paso, Texas. Plaintiff was traveling eastbound on I-10 in the left lane. Plaintiff had slowed/stopped for traffic ahead when Defendant BLOCKER, driving a vehicle owned or leased to Defendant ENERGY, suddenly, unexpectedly and violently struck the rear of Plaintiff's vehicle. Defendant BLOCKER was driving while intoxicated, negligently failed to keep a proper lookout and failed to pay attention while driving, causing him to collide with the rear of Plaintiff's vehicle and thereby causing Plaintiff to sustain serious injuries more fully set out below.

Attached hereto as **Exhibit "G"** is the Texas Peace Officer's Crash Report, which corroborates the facts as alleged by Plaintiff herein.

V.
Negligence of Defendant Blocker

Plaintiff alleges that the collision and resulting damages and injuries to her were proximately caused by one or more of the following alternative theories of negligence on the part of Defendant BLOCKER in:

1. Driving while intoxicated
2. Failing to drive as a reasonable prudent driver;
3. Failing to pay attention;
4. Failing to keep a proper lookout;
5. Failing to take proper evasive action;
6. Failure to safely apply brakes to avoid a collision;
7. Failure to honk and give adequate warning of the pending danger;
8. Failure to turn to the left or right to avoid a collision;
9. Driving carelessly;
10. Driving recklessly;
11. Failure to control the vehicle to avoid injuring other drivers; and,
12. Failure to take other evasive actions.

Each of the above-alleged acts and/or omissions was other than what a reasonable and prudent person would have done under the same or similar circumstances, and was the proximate cause of damages to Plaintiff.

VI.
Negligence Per Se

Said incident and Plaintiff's injuries and damages were proximately caused by Defendant BLOCKER'S violations of the laws of the State of Texas and of the United States of America constituting *negligence per se*. Defendant BLOCKER was operating the vehicle in violation of the Texas Statutes and Ordinances by driving while intoxicated.

VII.

Gross Negligence

Plaintiff incorporates all the above paragraphs and would show the Court that Defendant BLOCKER was reckless and acted with conscious disregard to the rights of the public including the Plaintiff by operating the vehicle while intoxicated.

VIII.

Negligent Hiring, Training and Supervision of Defendant Energy

Defendant ENERGY had a duty to exercise due care in hiring, supervising, training and retaining employees. More particularly, Defendant had a duty to use ordinary care in hiring employees; a legal duty to protect the public including Plaintiff by inquiring into the competence and qualifications of employees; a legal duty to use ordinary care in adequately supervising their employees; and, a legal duty to use ordinary care to adequately train their employees.

Defendant ENERGY breached their duties and such breach was a direct and proximate cause of Plaintiff's injuries and damages.

Defendant ENERGY was negligent by breaching their duty to Plaintiff in one or more of the following alternative theories of negligence:

1. Failure to adequately train and supervise their driver.
2. Failure to ensure their driver did not drive while intoxicated.
3. Failure to implement safety precautions to prevent injuries such as those suffered by Plaintiffs in similar circumstances.
4. In failing to establish and enforce safety rules and regulations.
5. Failing to teach and educate their employees on the proper procedures under similar

circumstances.

One or more of the foregoing acts and omissions constituted negligence. For this, one or more of the foregoing acts or omissions was a proximate cause of the damages and injuries to Plaintiff.

IX.

Vicarious Liability of Defendant Energy

Plaintiffs would show that Defendant ENERGY is liable for the damages and injuries which were caused by the negligence of their employees, agents and representatives. Defendant ENERGY is liable for the acts or omissions of their employees and agents, including those of Defendant BLOCKER. In addition, Defendant ENERGY owed a duty of care to Plaintiff because of their right of control which arose through the course of dealing with their employees, agents or representatives. Defendant ENERGY is liable under the doctrine of respondeat superior; master/servant; principal; agent.

X.

Negligent Entrustment of Defendant Energy

Defendant ENERGY entrusted the vehicle involved in this incident to Defendant BLOCKER who was not properly trained to drive their vehicle and failed to assure that he followed Federal Motor Vehicle Transportation Acts, the Rules of the Road and Texas Statutes.

Defendant ENERGY entrusted the vehicle to Defendant BLOCKER knowing that he was unqualified, untrained in operating their vehicles. Defendant ENERGY placed the public and other drivers in danger. Such negligence was a proximate cause of Plaintiff's injuries and damages.

Defendant ENERGY knew or should have known that BLOCKER was a reckless driver

and had unsafe driving practices, and did not conduct safe hiring practices because they did not test their employees for safe driving techniques causing their employee BLOCKER to be unsafe to other drivers and that BLOCKER should not have been driving on the street and that BLOCKER was a danger to the community and driving public.

Defendant ENERGY acted with reckless disregard in the entrustment of the vehicle to Defendant BLOCKER.

XI.

Damages to Plaintiff

As a direct result of the occurrence, Plaintiff suffered bodily injuries. Plaintiff was immediately taken by ambulance to Del Sol Medical Center for treatment of her injuries. Plaintiff sustained injuries to her back, left arm and right knee. She was diagnosed with thoracic/lumbar sprain/strain, lumbar spondylosis, chest contusion, left knee contusion, left knee sprain/strain, muscle spasms and post-traumatic headaches. Plaintiff continued having severe pain to her left knee and after an MRI was diagnosed with a medial meniscus tear, and internal derangement that necessitated surgery on January 14, 2015. Plaintiff had to endure the surgery and rigorous physical therapy after the surgery. As a further result of the occurrence, Plaintiff has incurred expenses for medical care, nursing services, medical attention and other expenses. These expenses incurred were necessary for the care and treatment of the injuries sustained by Plaintiff and the charges made and to be made were the usual and customary charges for such services.

As a direct result of the occurrence, Plaintiff has suffered pain and suffering in the past and Plaintiff will continue to suffer pain and suffering in the future. Plaintiff has suffered mental anguish in the past and will continue to suffer mental anguish in the future. As a result of the occurrence, Plaintiff has suffered and will continue to suffer impairment to her body. Plaintiff

has suffered damages within the jurisdictional limits of this Court.

Plaintiff was also prevented from working and has lost wages. She was also unable to perform her daily activities as a direct result of the subject accident and will continue to be unable to perform her daily activities in the future. Plaintiff has suffered physical pain and suffering in the past and will continue to suffer physical pain and suffering in the future. Plaintiff has suffered mental pain and anguish in the past and will continue to suffer mental pain and anguish in the future. Plaintiff has suffered emotional distress in the past and will continue to suffer emotional distress in the future. As a result of the injuries described above, Plaintiff has suffered and will continue to suffer impairment to her body. Plaintiff has suffered disfigurement in the past and will continue to suffer disfigurement in the future.

In all reasonable probability, Plaintiff will suffer a loss of earning capacity in the future because of the injuries sustained in the subject collision, which was proximately caused by the Defendant's negligence.

The determination of many of these elements of damage is particularly within the province of the jury. Plaintiff does not at this time seek any certain amount of damages for any of these particular elements of damage, but would instead rely upon the collective wisdom of the jury to determine an amount that would fairly and reasonably compensate her.

In compliance with the pleading requirements of *Tex.R.Civ.P.* 47(c), Plaintiff seeks monetary relief of no more than **\$75,000.00** which includes damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney's fees.

XII.

REQUEST FOR DISCLOSURE

Plaintiff hereby requests that the Defendants disclose, within fifty-one (51) days of service

of this request, the information and material set forth in Rule 194.1(a)-(1) of the Texas Rules of Civil Procedure.

XIII.

REQUEST FOR ADMISSIONS

Pursuant to the Texas Rules of Civil Procedure 198, you are required to make a written response to these requests, attached hereto as **EXHIBITS "A & B", FIFTY ONE (51) DAYS** after service:

- (1) Admit the truth of any matter within the scope of discovery. (2) Admit the truth of any statements of opinion or of fact or of application of law to fact. (3) Admit the genuineness of any documents served with this request or otherwise made available for inspection or copying. (4) Admit or deny each of the attached requests for admissions. **You are also instructed as follows:**(1) Unless you state an objection or assert a privilege, you must specifically admit or deny the request or explain in detail the reasons that you cannot admit or deny the request. (2) Your response must fairly meet the substance of the request. (3) You may qualify an answer, or deny a request in part, only when good faith requires.(4) Lack of information or knowledge is not a proper response unless you state that a reasonable inquiry was made but that the information or known or easily obtainable is insufficient to enable the responding party to admit or deny. (5) An assertion that the request presents an issue for trial is not a proper response. (6) You are reminded that if you fail to timely respond, the request is considered admitted without the necessity of a court order. (7) If you deny a request for admission and the Plaintiff proves the truth of such matter you may be ordered to pay costs. (8) Your failure to respond as required by the Texas Rules of Civil Procedure to these requests within the time required may result in the

imposition of sanctions.

XIV.
INTERROGATORIES AND PRIVILEGE LOG

Please take notice that pursuant to Rules 192 and 197 of the Texas Rules of Civil Procedure, Plaintiff serves and propounds the attached interrogatories, marked hereto as **Exhibit "C & D"** on Defendants. The attached interrogatories are incorporated by reference as if set forth fully at length. Defendants are hereby instructed to answer the following interrogatories separately, fully, in writing under oath as required by Rule 197.2(d) of the Texas Rules of Civil Procedure. The answers shall be served upon the undersigned counsel within fifty-one (51) days after service of the interrogatories. Further, demand is made for supplementation of your answers to the interrogatories as required by the Texas Rules of Civil Procedure. **PRIVILEGE LOG** – Pursuant to Texas Rules of Civil Procedure 193.3(b), Plaintiff requests that Defendants identify the information and material withheld. Demand is hereby made that the identity of the information and material withheld be disclosed within FIFTY ONE (51) days after the date hereof.

XV.
PRODUCTION AND PRIVILEGE LOG

Please take notice that pursuant to Rule 196 of the Texas Rules of Civil Procedure, Defendants are requested to produce and or permit the undersigned attorney to inspect, copy and reproduce the items hereinafter designated in **Exhibit "E & F"** attached hereto and incorporated by reference as if set forth fully at length. You must serve a written response to the undersigned attorney within fifty-one (51) days after service of this Request for Production with regards to the items requested therein. Further, demand is made for supplementation of your Responses to the Request for Production as required by the Texas Rules of Civil Procedure. **PRIVILEGE LOG**

Pursuant to Texas Rules of Civil Procedure 193.3(b), Plaintiff requests that Defendants identify the information and material withheld. Demand is hereby made that the identity of the information and material withheld be done within FIFTY ONE (51) days after date hereof.

XVI.
JURY DEMAND

Plaintiff respectfully requests a trial by jury of the issues presented in this case.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer, and that on final trial, Plaintiff have judgment against Defendants for monetary relief of no more than **\$75,000.00**, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees. Plaintiff further prays for such other relief, general and special, at law or in equity, to which Plaintiff is entitled,

Respectfully submitted,

LAW FIRM OF DANIELA LABINOTI, P.C.
Attorney for Plaintiff
501 N. Kansas, Suite 102
El Paso, Texas 79901
(915) 581-4600 voice
(915) 581-4605 facsimile
Daniela@labinotilaw.com

/s/*Daniela Labinoti*
DANIELA LABINOTI
State Bar No.: 24050900

INSTRUCTIONS

Pursuant to the provisions of Tex. R. Civ. P. Rule 190.3, Plaintiff serves upon Defendants this Level 2 set of disclosure requests, written interrogatories, and requests for production, and requests that said Defendants answer the disclosure requests, interrogatories, and produce for inspection and copying (unless otherwise indicated) the documents and things set out below. Pursuant to Rule 190 and 193, you are requested to (1) number each item which will be produced pursuant to these Requests for Disclosure, Written Interrogatories, and Request for Production with a separate and distinct number or similar identifying designation and (2) to file your written response to these requests for disclosure, written interrogatories, and request for production stating, with regard to each numbered request, the identification or exhibit numbers of the specific items being answered or produced in response to each such Request for Disclosure, Written Interrogatory, or Request for Production. Documents or things which are required to be produced in response to more than one request may be listed by number in response to each request, but the document or thing itself need only be produced one time. All documents or things to be produced are to be forwarded to the undersigned attorneys attached to or together with your written response.

Plaintiff specifies after fifty-one (51) days from the date of service of these disclosure requests, written interrogatories, and requests for production in the offices of Plaintiff's attorney, Daniela Labnotti, Law Office of Daniela Labnotti, P.C., 501 N. Kansas, Suite 102, El Paso, Texas 79901, as time and place of making such inspection and copying, unless requested items are furnished to Plaintiff's attorney by mail prior to such date.

EXHIBIT "A"

REQUEST FOR ADMISSIONS TO DEFENDANT BLOCKER

1. That on or about the **December 13, 2013**, the vehicle you were driving collided with Plaintiff's vehicle.
2. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you failed to control your speed before your vehicle collided with Plaintiff's vehicle.
3. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you failed to control your vehicle to avoid the collision with Plaintiff's vehicle.
4. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, there were no obstructions to your vision.
5. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you were traveling at a speed that would not allow you to bring your vehicle to a complete stop without colliding with Plaintiff's vehicle.
6. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you did not see the Plaintiff's vehicle with enough time to take sufficient action to avoid the collision.
7. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, there was not enough distance between your vehicle and the Plaintiff's vehicle to insure that your vehicle would not collide with Plaintiff's vehicle.
8. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you did not apply the brakes on your vehicle before your vehicle collided with Plaintiff's vehicle.
9. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you did not apply the brakes on your vehicle with enough time to insure that your vehicle would not collide with Plaintiff's vehicle.
10. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, you did not maintain a safe distance as you approached the Plaintiff's vehicle.
11. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, that this collision was avoidable.
12. That on the date stated in Request No. 1 and at the time of the collision made the basis of

- this suit, that this collision was not the result of any sudden and unforeseen emergency.
13. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit that Plaintiff's conduct did not contribute to this accident.
 14. Plaintiff has properly named this Defendant in Plaintiff's original complaint.
 15. Defendant was driving the vehicle as described in the police report, Exhibit "G", and was involved in a collision on that date while driving.
 16. That, at the time of the collision, Defendant owned the vehicle involved in the collision.
 17. That, on the date of the collision, Defendant did not have a valid driver's license.
 18. That, on the date of the collision, Defendant's driver's license was revoked or suspended.
 19. That, on the date of the collision, Defendant was violating a restriction placed on his driver's license.
 20. That the condition of the road surface did not contribute to the cause of the collision.
 21. That the lighting conditions did not contribute to the cause of the collision.
 22. That the weather conditions did not contribute to the cause of the collision.
 23. That a sudden emergency did not contribute to the cause of the collision.
 24. That Defendant does not contend the collision was unavoidable.
 25. That no defect or malfunction in the vehicle Defendant was driving contributed to the cause of the collision.
 26. That Defendant does not have normal vision without the use of corrective lenses.
 27. That Defendant was not wearing corrective lenses at the time of the collision.
 28. That Defendant was under the care of a medical practitioner or other practitioner of the healing arts during the month before the collision.
 29. That Defendant was not injured as a result of the collision.
 30. That on the date of the collision, Defendant's vehicle struck Plaintiff's vehicle.
 31. That on the date of the collision, Defendant did not maintain a proper lookout while driving his vehicle.

32. That Defendant's failure to maintain a proper lookout immediately before the collision was the proximate cause of Defendant's vehicle striking the Plaintiff's vehicle.
33. That Defendant was under the influence of drugs or alcohol when the collision occurred.
34. That Defendant had ingested drugs or alcohol within the 24 hours before the collision.
35. That Defendant had consumed alcohol within four hours before the collision.
36. That Defendant's negligence was the sole proximate cause of the collision in question.
37. That Defendant's negligence was a proximate cause of the collision in question.
38. That on the date in Request No. 1, Defendant was arrested.
39. That on the date in Request No. 1 Defendant was arrested for driving while intoxicated.
40. That on the date in Request No. 1 Defendant was cited for driving while intoxicated.
41. That Plaintiff did not contribute any negligence to the cause of the collision in question.
42. That Plaintiff received injuries to several parts of her bodies as a result of the collision.

EXHIBIT B

REQUEST FOR ADMISSIONS TO DEFENDANT ENERGY

1. That on or about the **December 13, 2013**, the vehicle driven by Defendant BLOCKER collided with Plaintiff's vehicle.
2. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, ENERGY'S driver failed to control his speed before his vehicle collided Plaintiff's vehicle.
3. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, Defendant ENERGY'S driver failed to control his speed and collided with Plaintiff's vehicle.
4. That on the date stated in Request No. 1, at the time of the collision, ENERGY'S driver did nothing to avoid the collision with Plaintiff's vehicle.
5. That, at the time of the collision, Defendant ENERGY owned the vehicle involved in the collision.
6. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, ENERGY'S driver did not see the Plaintiff's vehicle with enough time to take sufficient action to avoid the collision.
7. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, ENERGY'S driver did not see the Plaintiff's vehicle with enough time to take sufficient action to avoid the collision.
8. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, there was not enough distance between ENERGY'S vehicle and the Plaintiff's vehicle to insure that ENERGY'S vehicle would not collide with Plaintiff's vehicle.
9. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, ENERGY'S driver did not apply the brakes on his vehicle before he vehicle collided with the Plaintiff's vehicle.
10. That on the date stated in Request No. 1 and at the time of the collision made the basis of this suit, ENERGY'S driver did not pay attention and avoid the impact with Plaintiff's vehicle.
11. Plaintiff has properly named Defendants ENERGY in Plaintiff's original complaint.
13. Defendant BLOCKER was driving the vehicle as described in the police report, Exhibit "G", and was involved in a collision on that date while driving.
14. That, at the time of the collision, Defendant ENERGY leased the vehicle from Defendant

BLOCKER.

15. That the condition of the road surface did not contribute to the cause of the collision.
16. That the lighting conditions did not contribute to the cause of the collision.
17. That the weather conditions did not contribute to the cause of the collision.
18. That a sudden emergency did not contribute to the cause of the collision.
19. That Defendant does not contend the collision was unavoidable.
20. That Defendant ENERGY'S driver does not have normal vision without the use of corrective lenses.
21. That Defendant BLOCKER was not wearing corrective lenses at the time of the collision.
22. That Defendant BLOCKER was under the care of a medical practitioner or other practitioner of the healing arts during the month before the collision.
23. That on the date of the collision, Defendants ENERGY'S vehicle struck Plaintiff's vehicle.
24. That on the date of the collision, Defendant ENERGY'S driver did not maintain a proper lookout while driving his vehicle.
25. That Defendant ENERGY'S driver's failure to maintain a proper lookout immediately before the collision was the proximate cause of Defendant's vehicle striking Plaintiff's vehicle.
26. That Defendant ENERGY'S driver was under the influence of drugs or alcohol when the collision occurred.
27. That Defendant ENERGY'S driver had ingested drugs or alcohol within the 24 hours before the collision.
28. That Defendant ENERGY'S driver had consumed alcohol within four hours before the collision.
29. That Defendants ENERGY'S driver's negligence was the sole proximate cause of the collision in question.
30. That the negligence of Defendants ENERGY'S driver was a proximate cause of the collision in question.
31. That on the date of the collision, Defendant ENERGY'S driver did not maintain a proper lookout while driving his vehicle.
32. That Defendant's ENERGY'S driver's failure to maintain a proper lookout immediately before

the collision was the proximate cause of Defendant's vehicle striking Plaintiff's vehicle.

33. That Plaintiff did not contribute any negligence to the cause of the collision in question.
34. That Plaintiff received injuries to several parts of her body as a result of the collision.

EXHIBIT "C"

INTERROGATORIES PROPOUNDED ON DEFENDANT BLOCKER

1. State your name, address, telephone number, cell phone number, cellular provider on the date and at the time of the incident which serves as the basis of the underlying lawsuit, your social security number and date and place of birth.
2. Describe in detail you employment status at the present time and at the time of the subject incident, job title and job description, date of commencement and/or termination of employment and salary at such time.
3. On the date of the incident, describe in detail the vehicle you were driving. If you will, please include information on ownership and the operating condition of the vehicle.
4. State the name, address and phone number of any person who examined the vehicle for damages arising from this incident.
5. Was the vehicle that you were operating at the time of the subject accident damaged? If so, describe the damage, state whether it has been repaired, who repaired it and the cost of repairs.
6. Please state the registered owner of the subject vehicle.
7. Did you give a statement to anyone regarding the incident and if so, indicate the name, address and telephone number of the person to whom you gave the statement, contents of the statement, and if you gave more than one statement, give the same information regarding each statement.
8. Describe in detail the incident and each act or omission of each person in the incident. Please direct your attention to the following details in answering this Interrogatory:
 - a. Please state everything that you did, in the order in which it was done, in an attempt to avoid the subject vehicular collision. If you applied the brakes or horn at any time prior to the incident, please state as to your motor vehicle, the speed and the approximate distance in feet from the point of the incident when you so applied the brakes or horn, stating what was used. If there were any tire marks or any other marks on the road as a result of the incident, kindly describe the marks on the road as a result of the incident, kindly describe the marks in detail giving the length and location on the road surface and identify which motor vehicle cause each mark.
 - b. Please state everything you did, or failed to do, which contributed to the incident.

- c. If there were any obstructions to your view at or near the scene of the incident, please describe each such obstruction in detail, giving its location with relation to the incident.
 - d. If at the time and place of the incident the visibility of the intersecting road was limited or decreased from normal in any way due to glare, design, obstacles, weather or other condition, please describe in complete detail each and every such condition and every action taken to overcome or diminish the adverse effect of each such condition.
 - e. If there were any traffic controls, speed limit signs, signals, lights or other devices located at or near the place of the incident which were in any way involved in the happening of the incident, please describe such control or device indicating the direction of traffic controlled by such device and the manner in which it was involved in the incident.
9. State in detail any damages you claim to have sustained from the incident.
10. Describe in detail any citation, arrest, claim or other charge that may have been issued to you as a result of the incident, including grounds for same and the result of any hearing or judgment on the same, the date of such hearing or judgment and any fine, sentence or other penalty imposed.
11. State in detail any drug or alcohol taken or consumed by you within 72 hours of the incident and any regular drug you had taken at any time within the past year. If alcohol or drug was taken, include the time and date such alcohol was consumed, the name, address and phone number of the provider of the alcohol or drug, the exact name and brand of alcohol, the alcoholic content, type of alcohol or drug, quantity consumed and name, address and phone number of all persons who have knowledge of relevant facts concerning consumption of alcohol.
12. Describe in detail any insurance covering or potentially covering any claim arising from the occurrence, including types of coverage, limits of coverage, name and address of insurance company, policy number and whether such policy was in effect and paid at the time of the incident. If you will do so without a request to produce, please include a copy of the insurance policy and proof of payment.
13. Describe in detail any other arrests, convictions, accidents, incidents, license suspension or revocation or traffic citations you have been involved in. Include the dates, location, name, parties, witnesses, nature and extent of damages, hearings, lawsuits, orders, fines, penalties, judgments or convictions arising therefrom, including the details of driver's license, suspension or revocation actions, if any.

14. Please state your driver's license number, state of issuance, expiration date, any other states you are or have been licensed to operate a motor vehicle, and driver's license number for those states.
15. Please state the date you were first licensed to drive if your driver license was suspended or not renewed.
16. Please state any restrictions that are placed on your ability to drive (e.g. corrective lenses).
17. If you have been convicted of any felony or misdemeanor within the last ten (10) years, please provide the following information:
 - a. The offense(s) for which you were convicted.
 - b. The state(s) and date(s) of any such conviction(s)
 - c. A description of any sentence(s) or punishment served (this includes restitution, probation, etc.).

PURSUANT TO TEXAS RULES OF EVIDENCE 609, THIS IS YOUR ADVANCE WRITTEN NOTICE THAT WE INTEND TO USE ANY ADMISSIBLE INFORMATION ABOUT YOUR CRIMINAL HISTORY AT THE TRIAL OF THIS LAWSUIT.

16. Please describe what Plaintiff did that, in your opinion, makes her negligent in the incident which serves as the basis of the underlying lawsuit.
17. Please state who paid for the damages to the vehicle you were driving at the time of the subject vehicular collision.
18. Please state if you received injuries as a result of the accident in question.
19. Please list any other prior or subsequent accidents you has been involved.
20. State the names, addresses and phone number of all persons who you will call to testify and a summary of their testimony.
21. State the name, address and phone numbers of all persons who witnessed the accident in question.
23. Identify the names, addresses and phone numbers of all individuals who were passengers in your vehicle at the time of the subject accident.
24. Describe in detail the act or omission of each person whose negligence contributed to the occurrence in question.

EXHIBIT "D"
INTERROGATORIES PROPOUNDED ON DEFENDANT ENERGY

1. State your driver's name, address, telephone number, cell phone number, cellular provider on the date and at the time of the incident which serves as the basis of the underlying lawsuit, your social security number and date and place of birth.
2. Describe in detail your driver's employment status at the present time and at the time of the subject incident, job title and job description, date of commencement and/or termination of employment and salary at such time.
3. On the date of the incident, describe in detail the vehicle your driver was driving. If you will, please include information on ownership and the operating condition of the vehicle.
4. State the name, address and phone number of any person who examined the vehicle for damages arising from this incident.
5. Was the vehicle that your driver was operating at the time of the subject accident damaged? If so, describe the damage, state whether it has been repaired, who repaired it and the cost of repairs.
6. State the registered owner of the subject vehicle.
7. Describe in detail the incident and each act or omission of each person in the incident.

Please direct your attention to the following details in answering this Interrogatory:

- a. Please state everything that Defendant BLOCKER did, in the order in which it was done, in an attempt to avoid the subject vehicular collision. If you applied the brakes or horn at any time prior to the incident, please state as to Defendant BLOCKER'S motor vehicle, the speed and the approximate distance in feet from the point of the incident when he applied the brakes or horn, stating what was used. If there were any tire marks or any other marks on the road as a result of the incident, kindly describe the marks on the road as a result of the incident, and describe the marks in detail giving the length and location on the road surface and identify which motor vehicle cause each mark.
- b. Please state everything Defendant BLOCKER did, or failed to do, which contributed to the incident.
- c. If there were any obstructions to Defendant BLOCKER'S view at or near the scene of the incident, please describe each such obstruction in detail, giving its location with relation to the incident.

- d. If at the time and place of the incident the visibility of the intersecting road was limited or decreased from normal in any way due to glare, design, obstacles, weather or other condition, please describe in complete detail each and every such condition and every action taken to overcome or diminish the adverse effect of each such condition.
 - e. If there were any traffic controls, speed limit signs, signals, lights or other devices located at or near the place of the incident which were in any way involved in the happening of the incident, please describe such control or device indicating the direction of traffic controlled by such device and the manner in which it was involved in the incident.
- 8. State in detail any damages you claim to have sustained from the incident.
- 9. Describe in detail any citation, arrest, claim or other charge that may have been issued to your driver as a result of the incident, including grounds for same and the result of any hearing or judgment on the same, the date of such hearing or judgment and any fine, sentence or other penalty imposed.
- 10. State in detail any drug or alcohol taken or consumed by your driver within 72 hours of the incident and any regular drug your driver had taken at any time within the past year. If alcohol or drug was taken, include the time and date such alcohol was consumed, the name, address and phone number of the provider of the alcohol or drug, the exact name and brand of alcohol, the alcoholic content, type of alcohol or drug, quantity consumed and name, address and phone number of all persons who have knowledge of relevant facts concerning consumption of alcohol.
- 11. Describe in detail any insurance covering or potentially covering any claim arising from the occurrence, including types of coverage, limits of coverage, name and address of insurance company, policy number and whether such policy was in effect and paid at the time of the incident. If you will do so without a request to produce, please include a copy of the insurance policy and proof of payment.
- 12. Describe in detail any other arrests, convictions, accidents, incidents, license suspension or revocation or traffic citations your driver has been involved in. Include the dates, location, name, parties, witnesses, nature and extent of damages, hearings, lawsuits, orders, fines, penalties, judgments or convictions arising therefrom, including the details of driver's license, suspension or revocation actions, if any.
- 13. Please state your driver's license number, state of issuance, expiration date, any other states he is or has been licensed to operate a motor vehicle, and driver's license number for those states.
- 14. Please state the date your driver was first licensed to drive and if his license has ever been suspended or not renewed.

15. If your driver has been convicted of any felony or misdemeanor within the last ten (10) years, please provide the following information:
- a. The offense(s) for which he was convicted.
 - b. The state(s) and date(s) of any such conviction(s)
 - c. A description of any sentence(s) or punishment served (this includes restitution, probation, etc.).

PURSUANT TO TEXAS RULES OF EVIDENCE 609, THIS IS YOUR ADVANCE WRITTEN NOTICE THAT WE INTEND TO USE ANY ADMISSIBLE INFORMATION ABOUT YOUR CRIMINAL HISTORY AT THE TRIAL OF THIS LAWSUIT.

16. Please describe what Plaintiff did that, in your opinion, makes her negligent in the incident which serves as the basis of the underlying lawsuit.
16. Please state the relationship between you and Defendant BLOCKER, indicating in your answer if he was an employee, independent contractor, etc., and state the length of time the relationship has existed.
18. Please list any other prior or subsequent accidents your driver has been involved.
19. State the names, addresses and phone number of all persons who you will call to testify and a summary of their testimony.
20. State the name, address and phone numbers of all persons who witnessed the accident in question.
22. Describe in detail the act or omission of each person whose negligence contributed to the occurrence in question.
23. Identify the names, addresses and phone numbers of all individuals who were passengers in your vehicle at the time of the subject accident.

EXHIBIT "E"

REQUEST FOR PRODUCTION TO DEFENDANT BLOCKER

1. Inspection and photographing of Defendant's vehicle.
2. The Declaration Sheet and policy of insurance insuring Defendant in this claim.
3. Any photographs, drawing, sketches, video recordings, motion pictures, tapes, recordings, graphic depiction or other tangible evidence concerning the scene of the accident, the vehicle involved in the collision or the parties or witnesses to this case.
4. All statements made by Plaintiff.
5. All damages, estimates, maintenance records, and pictures of Defendant's vehicle involved in the collision made the subject of this suit.
6. All investigation reports, accident reports, statements by witnesses (oral or recorded) concerning the accident made the subject of this suit which were generated prior to your receipt of notice from Plaintiff's attorney that Plaintiff was making a claim.
7. Copy of your driving and accident record.
8. Any documents showing the names, addresses and phone number of all persons with knowledge of relevant facts regarding any matter in any way related to the issues involved in this lawsuit.
9. Any and all reports, mental impressions, opinions, notes, resumes, physical models, compilations of data, statement or other written materials of any kind from any expert witness who will testify in this case or whose work product forms a basis either in whole or in part of the opinion of an expert who is to be called as an expert. If the discoverable factual observations, test, supporting data, calculations, photographs or opinions of any such expert witness who will be called as a witness have not been recorded or reduced to tangible form, those matters are hereby requested to be reduced to tangible form and produced.
10. Photographs and videotapes identified in your response to the Interrogatories.
11. Narrative summaries prepared by any person identified in your response to the Interrogatories.
12. Photographs and videotapes of any surveillance of Plaintiff.
13. All medical records of Plaintiff received by Defendant.
14. All incident reports for any injury suffered by Plaintiff.

15. All documents where Plaintiff's signature is contained on the document.
16. All documents obtained pursuant to any authorization signed by Plaintiff.
17. All documents concerning any alleged criminal violation committed by Plaintiff.
18. All photographs or videotapes taken by Defendant in response to Plaintiff's alleged injuries including, but not limited to, all videos or photographs taken by any private investigator for which Defendant has access to the photographs or videotapes.
19. All medical records of Plaintiff received from any source.
20. All documents concerning any of Plaintiff's previous or subsequent employers obtained by Defendant.
21. A copy of the accident report or any incident report prepared relating to this accident.
22. Pursuant to Texas Rules of Evidence 609, please produce all documents you have which suggests Plaintiff, Defendant, or any witness identified in this lawsuit, including expert and consulting witnesses, has been convicted of a crime which was a felony or one which involved moral turpitude. Please state the nature of the crime, date of conviction, court/county of conviction, disposition, and if probation was imposed, please state if the probation was successfully completed.

PURSUANT TO TEX. R. EVID. 609, THIS IS YOUR ADVANCE WRITTEN NOTICE THAT WE INTEND TO USE ANY ADMISSIBLE INFORMATION ABOUT YOUR CRIMINAL HISTORY AT THE TRIAL OF THIS LAWSUIT.

23. Please produce a copy of your current driver's license, if any, both front and back.
24. Please produce a copy of your Social Security Card, if any, both front and back.
25. If you do not have a driver's license, please produce a copy of any current identification card or document, both front and back.
26. Please produce a true and correct copy of the registration, certificate of insurance and title certificate of the vehicle that you were driving at the time of the accident.
27. All documents pertaining to any other motor vehicle accidents in which you have been involved in during your lifetime.
28. Produce a copy of your cell phone statement showing incoming and outgoing calls for the month when the incident made the basis of this suit happened.

EXHIBIT "F"

REQUEST FOR PRODUCTION TO DEFENDANT ENRRERGY

1. Complete personnel file of Defendant Nicholas James Blocker, including but not limited to the application for employment, disciplinary file, write ups, evaluation, incident reports, moving violations, MVR records, including employee evaluations and any worker's compensation, or worker's injury file, medical file, disciplinary and all other file subparts. For purposes of this request, "personnel file" is defined as any documents or information in your possession which relate to Plaintiff's employment with you, regardless of whether such information is maintained in different locations, files or folders.
2. Complete file of any relationship between Defendant and Defendant Nicholas James Blocker, i.e. employer/employee, leasor/leasee, or any other contractual relationship.
3. Any accident report form or incident report completed by Defendant Nicholas James Blocker in connection with the incident made the basis of this lawsuit.
4. Please provide any photos that depict the damages to the vehicle driven by Defendant Nicholas James Blocker on the day of the incident made subject of this suit.
5. Please provide any documents and/or tangible things that show the repairs and/or estimate of repairs, for the vehicle driven by Defendant Nicholas James Blocker on the day of the incident made subject of this suit.
6. Please produce all reprimands, write-ups involving Defendant Nicholas James Blocker in connection with the incident made the basis of this lawsuit.
7. Please produce any and all emails, letters, correspondence, investigation reports, statements, memos, notes, other than work product and/or attorney client communication involving the incident in question.
8. Please produce the entire medical records for the eye procedures, examination, prescription, treatment and entire medical file for the eye care/eye exams/procedures of eyes /glasses/contacts/disease/prescription for Defendant Nicholas James Blocker.
9. Please produce any communications, memos, change of status involving Defendant Nicholas James Blocker, including but not limited to his:
 - a) disqualification as a driver;
 - b) notice of resignation.
10. Please produce any documents and/or tangible things that show depict Defendant Nicholas James Blocker's disqualification as a driver after the incident in question.
11. Please produce any documents and/or tangible things that show depict all the assessments/evaluations of Defendant Nicholas James Blocker before the incident in question.

12. Please produce any documents and/or tangible things that show depict all the assessments/evaluations of Defendant Nicholas James Blocker after the incident in question.
13. Describe this Defendant. Please include information address of Defendant and net worth of Defendant.
14. Describe with particularity the relationships and agreements between the named Defendant and any other person, firm or entity with regard to the ownership, maintenance, inspection and repair of the vehicle made the subject of this suit.
15. Provide any and all documentation including videos, manuals, notebooks, pamphlets and posters, provided to or shown to Defendant Nicholas James Blocker at the time of hiring or during the course of his employment or other relationship with you relating to driver training, safety or driving while intoxicated.
16. Provide copies of any and all Employee Training Manuals or Employee Policy Manuals and all documents including internal company memoranda and e-mails evidencing the policies that apply to all individuals operating vehicles owned by your company, including but not limited to information on driving while intoxicated and overall drive safety.
17. Provide copies of any and all policies and procedures relating to any actions taken or to be taken by you when one of your vehicles is involved in an accident, including your policies or procedures for investigating such accidents.
18. Provide all documentation including videos, manuals, notebooks, pamphlets, posters and "company" or internal memoranda and e-mails given to or shown to your employees, contractors and/or drivers regarding driver safety, including but not limited to driving while intoxicated.
19. If your employees, contractors and/or drivers have received any training via courses or classes regarding safe driving practices, including but not limited to driving while intoxicated, provide all documentation showing attendance in such courses or classes by Defendant Blocker and all class or course material including videos, manuals, notebooks, pamphlets and posters received during such training.
19. Produce all working papers, notes, calculations, diagrams, photographs, models, exhibits, and other documents, including reports and factual observations, prepared or reviewed by any expert who will testify at trial.
20. Produce all photographs, videotapes, depictions, and drawings that depict or pertain in any way to the subject matter of this suit.
21. Produce all statements made by any person or their representatives relating the subject matter of this suit.
22. Produce all documents that contain impeachment or rebuttal evidence.
23. Produce all investigations, reports, or other documentation, other than privileged communications, regarding your investigation of the accident made the basis of this lawsuit.

EXHIBIT G

Law Enforcement and TxDOT Use ONLY

☐ FATAL ☐ CMV ☐ SCHOOL BUS ☐ RAILROAD ☐ MAB ☐ SUPPLEMENT ☐ ACTIVE SCHOOL ZONE

Texas Peace Officer's Crash Report (Form CR-3 1/1/2010)

Total W 3 Total Inj. 4 Total Prop. 0

Mail to: Texas Department of Transportation, Crash Records, P.O. Box 149349, Austin, TX 78714. Questions? Call (512) 488-5780

** These fields are required on all additional sheets submitted for this crash (ex: additional vehicles, occupants, injured etc.)

Page 1 of 4

* Crash Date (MM/DD/YYYY) 12/13/2013		* Crash Time (24HRMM) 1725		Case ID 13-347227		Local Use																																																																									
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Address (Street, City, State, ZIP) 720 W. MAIN, SARATOGA, WY 82531																																																																															
<table border="1"> <thead> <tr> <th>Person Num.</th> <th>12 Psn. Type</th> <th>13 Seat Position</th> <th>Name: Last, First, Middle Enter Driver Or Primary Person for this Unit on first line</th> <th>14 Injury Severity</th> <th>Age</th> <th>15 Ethnicity</th> <th>16 Sex</th> <th>17 Eject.</th> <th>18 Restr.</th> <th>19 Airbag</th> <th>20 Helmet</th> <th>21 Sol.</th> <th>22 Ab. Spec.</th> <th>23 Ac. Result</th> <th>24 Drug Spec</th> <th>25 Drug Result</th> <th>26 Drug Category</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1</td> <td>1</td> <td>BLOCKER, NICHOLAS JAMES</td> <td>1</td> <td>34</td> <td>W</td> <td>1</td> <td>1</td> <td>1</td> <td>2</td> <td>57</td> <td>1</td> <td>1</td> <td>0.140</td> <td>96</td> <td>97</td> <td>97</td> </tr> <tr> <td colspan="18">Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each unit.</td> </tr> </tbody> </table>								Person Num.	12 Psn. Type	13 Seat Position	Name: Last, First, Middle Enter Driver Or Primary Person for this Unit on first line	14 Injury Severity	Age	15 Ethnicity	16 Sex	17 Eject.	18 Restr.	19 Airbag	20 Helmet	21 Sol.	22 Ab. Spec.	23 Ac. Result	24 Drug Spec	25 Drug Result	26 Drug Category	1	1	1	BLOCKER, NICHOLAS JAMES	1	34	W	1	1	1	2	57	1	1	0.140	96	97	97	Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each unit.																																			
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Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Expired <input type="checkbox"/> Exempt		28 Fin. Resp. Type 2		Fin. Resp. Name ALLIED PROPERTY & CASUALTY																																																																									
Fin. Resp. Phone Num. 866-322-3214		27 Vehicle Damage Rating 1 1 2 5		27 Vehicle Damage Rating 2		Vehicle <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																																									
Towed By SUN CITY TOWING Towed To MUNICIPAL VEHICLE STORAGE FACILITY																																																																															
Unit Num. 2		5 Unit Desc. 1		<input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Hit and Run		LP State TX																																																																									
Veh. Year 2010		8 Veh. Color RED		Veh. Make FORD		Veh. Model F-150																																																																									
8 DLID Type 1		DLID State TX		DLID Num. 00592155		9 DL Class C																																																																									
10 CDL End. 96		11 DL Rest. 96		DOB (MM/DD/YYYY) 04/23/1996		Pol. Fire, EMS on Emergency (Explain in Narrative if checked)																																																																									
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Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Expired <input type="checkbox"/> Exempt		28 Fin. Resp. Type 2		Fin. Resp. Name FARMERS																																																																									
Fin. Resp. Phone Num. 915-771-6151		27 Vehicle Damage Rating 1 6 5		27 Vehicle Damage Rating 2		Vehicle <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																																									
Towed By SUN CITY TOWING Towed To TOWED TO OWNER/DRIVER'S REQUEST																																																																															

12/14/13 [Signature] [Signature]

Law Enforcement and TxDOT Use ONLY.		Case ID	TxDOT Crash ID	Page 2 of 4								
Form CBS 01/07/2010		7227										
DISPOSITION OF INJURED/KILLED	Unit Num.	Prsn. Num.	Taken To	Taken By	Date of Death (MM/DD/YYYY)	Time of Death (24HRMM)						
	2	1	SIERRA PROVIDENCE EAST	FIRE MEDICAL SERVICE								
	2	2	SIERRA PROVIDENCE EAST	FIRE MEDICAL SERVICE								
	3	1	SIERRA PROVIDENCE EAST	FIRE MEDICAL SERVICE								
CHARGES	Unit Num.	Prsn. Num.	Charge	Offense/Reference Num.								
	1	2	DRIVING WHILE INTOXICATED BAC >= 0.15	DI43 0306								
DAMAGE	Damaged Property Other Than Vehicles		Owner's Name	Owner's Address								
VEHICLE	Unit Num.	<input type="checkbox"/> 10,001+ LBS. <input type="checkbox"/> TRANSPORTING HAZARDOUS MATERIAL <input type="checkbox"/> 9+ CAPACITY		28 Veh. Oper.	29 Carrier ID Type	Carrier ID Num.						
	Carrier's Corp. Name	Carrier's Primary Addr.										
	30 Roly. Access	31 Veh. Type	<input type="checkbox"/> RGWW <input type="checkbox"/> GVWR	HazMat Released <input type="checkbox"/> Yes <input type="checkbox"/> No	32 HazMat Class Num.	32 HazMat ID Num.	32 HazMat Class Num.	32 HazMat ID Num.				
	33 Cargo Body Style	Trailer 1	Unit Num.	<input type="checkbox"/> RGWW <input type="checkbox"/> GVWR	34 Trlr. Type	Trailer 2	Unit Num.	<input type="checkbox"/> RGWW <input type="checkbox"/> GVWR	35 Trlr. Type			
	Sequence Of Events	35 Seq. 1	35 Seq. 2	35 Seq. 3	35 Seq. 4	Total Num. Axes	Total Num. Tires					
FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)				37 Vehicle Defects (Investigator's Opinion)				Environmental and Roadway Conditions			
	Unit Num.	Contributing	May Have Contrib.	Contributing	May Have Contrib.	38 Weather Cond.	39 Light Cond.	40 Entering Roads	41 Roadway Type	42 Roadway Alignment	43 Surface Condition	44 Traffic Control
	1	57		44		1	5	27	4	2	1	17
NARRATIVE AND DIAGRAM	Investigator's Narrative Opinion of What Happened (Attach Additional Sheets if Necessary)					Indicate North		Field Diagram - Not to Scale				
	<p>I-10 East MM-29 is a three lane, one way roadway running east. Unit # 1 was traveling on the inside lane when it struck Unit #2 from behind who was stopped for traffic. Unit #2 then struck Unit # 3 from Unit # 1's impact. Driver from Unit #2 claimed injuries to her head, neck and back and the passenger claimed injury to his hand. Driver from Unit # 3 also claimed injuries to his head, neck and back. All injured parties were taken to Sierra Medical East to receive further medical treatment. There were no witnesses located at the scene. An incident report was also created utilizing the same case number (13-347227).</p>											
INVESTIGATOR	Time Notified (24HRMM)	How Notified	Time Arrived (24HRMM)	Report Date (MM/DD/YYYY)								
	1 17 2 0	DISPATCHED	1 17 3 5	1 12 / 1 2 / 2 0 1 2								
AGENCY	Invest. Yes <input type="checkbox"/> No <input type="checkbox"/>	Investigator Comp. <input type="checkbox"/> No <input type="checkbox"/>	Name (Printed)									
	Y	N	RENEE, ELLIAND									
AGENCY	ORI Num.	Agency										
	1 12 0 7 1 0 2 0 0	EL PASO POLICE DEPARTMENT										

Law Enforcement and TxDOT Use ONLY

☐ FATAL ☐ CMV ☐ SCHOOL BUS ☐ RAILRL ☐ MAB ☐ SUPPLEMENT ☐ ACTIVE SCHOOL ZONE

Texas Peace Officer's Crash Report (Form CR-3 1/1/2010)

Mail to: Texas Department of Transportation, Crash Records, P.O. Box 140348, Austin, TX 78714. Questions? Call (512) 486-5780
Refer to Attached Code Sheet for Numbered Fields

These fields are required on all additional sheets submitted for this crash (ex: additional vehicles, occupants, injured etc.).

Page 3 of 4

* Crash Date (MM/DD/YYYY) 1/2/13/2013		* Crash Time (24HRMM) 1725		Case ID 13-347227		Local Use																																			
* County Name EL PASO				* City Name EL PASO																																					
In your opinion, did this crash result in at least \$1,000 damage to any one person's property? <input type="checkbox"/> Yes <input type="checkbox"/> No				Latitude (Decimal degrees)		Longitude (Decimal degrees)																																			
ROAD ON WHICH CRASH OCCURRED																																									
* 1 Rwy. Sys. 2H		* Hwy. Num. 10		2 Rwy. Part 1		Block Num.																																			
3 Street Prefix 2		4 Street Name FM30 E-10 EAST		5 Street Suffix HWY		6 Street Desc ONE WAY, THREE LANE																																			
INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST INTERSECTING ROAD OR REFERENCE MARKER																																									
At <input type="checkbox"/> Yes <input type="checkbox"/> No		1 Rwy. Sys. 1D		Hwy. Num.		2 Rwy. Part 1																																			
3 Dir. from Int. or Ref. Marker W		Reference Marker		Street Desc TWO WAY, FIVE LANE		RRR Num.																																			
Distance from Int. or Ref. Marker 0.50		<input type="checkbox"/> FT <input type="checkbox"/> MI		3 Dir. from Int. or Ref. Marker W		Reference Marker																																			
Unit Num. 3		5 Unit Desc. 1		<input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Hit and Run		LP State TX																																			
Veh. Year 2007		6 Veh. Color SLU		Veh. Make FORD		Veh. Model F-150																																			
8 DL/D Type 1		DL/D State TX		DL/D Num. 05540513		9 DL Class C																																			
10 CDL End. 95		11 DL Real. 95		DOB (MM/DD/YYYY) 01/2/1950																																					
Address (Street, City, State, ZIP) 2125 SHIRAZ, EL PASO, TX 79906																																									
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Person Num.	12 Pers. Type	13 Seat Position	Name: Last, First, Middle	14 Injury Severity	Age	15 Ethnicity	16 Sex	17 ELEC.	18 RSPR.	19 Abag	20 Ht/Wt	21 Sol.	22 7b. Sp. Sc.	23 7b. Sp. Sc.	24 Drug Result	25 Drug Category																									
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<input type="checkbox"/> Owner <input type="checkbox"/> Lessee Name & Address PAZ, FRANCISCO 2125 SHIRAZ, EL PASO, TX 79906																																									
Proof of <input type="checkbox"/> Yes <input type="checkbox"/> Expired <input type="checkbox"/> Fin. Resp. <input type="checkbox"/> No <input type="checkbox"/> Exempt Resp. Type 2																																									
Fin. Resp. Name GARCIA Fin. Resp. Phone Num. 915-888-7887 27 Vehicle Damage Rating 1 1 5 6 1 2																																									
Towed By Towed To																																									
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Texas Peace Officer's Crash Report - Code Sheet

Numbered Fields on the CR-3 Refer to the Numbered Lists on this Code Sheet. Each list includes the codes that may be entered on the form and the description of each code.

Page 1 of 2
Law Enforcement and T.D.O.T. Use ONLY
Form CR-3CS 1/1/2010

1. Roadway System IH = Interstate US = US Highway SH = State Highway FM = Farm to Market RR = Ranch Road RM = Ranch to Market B = Business Interstate BU = Business US BS = Business State BF = Business FM SL = State Loop TL = Toll Road AL = Alternate SP = Spur CR = County Road PR = Park Road PV = Private Road RC = Recreational Road LR = Local Road/Street (Street, Road, Ave., Blvd., Pl., Trl., Beach, Alley, Road Ramp, etc.)		2. Roadway Part 1 = Main/Proper Lane 2 = Service/Frontage Road 3 = Entrance/On Ramp 4 = Exit/Off Ramp 5 = Connector/Overpass 98 = Other (Explain in Narrative)		3. Street Prefix Direction from Int. or Ref. Marker N = North NE = Northeast E = East SE = Southeast S = South SW = Southwest W = West NW = Northwest		4. Street Suffix RD = Road ST = Street DR = Drive AVE = Avenue BLVD = Boulevard PKWY = Parkway LN = Lane FWY = Freeway HWY = Highway WAY = Way TRL = Trail LOOP = Loop EXPY = Expressway CT = Court CIR = Circle PL = Plaza PARK = Park CV = Cove									
5. Unit Description 1 = Motor Vehicle 2 = Tractor 3 = Pedalcyclist 4 = Pedestrian 5 = Non-zed Conveyance 6 = Towed/Trailed 7 = Non-Contact 98 = Other (Explain in Narrative)		6. Vehicle Color BGE = Beige BLK = Black BLU = Blue BRZ = Bronze BRO = Brown CAM = Camouflage CPR = Copper GLD = Gold GRY = Gray GRN = Green MAR = Maroon MJL = Multicolored ORG = Orange PPK = Pink PLE = Purple RED = Red SIL = Silver TAN = Tan TEA = Teal (green) TRQ = Turquoise (blue) WHI = White YEL = Yellow 98 = Other (Explain in Narrative) 99 = Unknown		7. Body Style P2 = Passenger Car, 2-Door P4 = Passenger Car, 4-Door PK = Pickup AM = Ambulance BU = Bus SE = Yellow School Bus FE = Farm Equipment FT = Fire Truck MC = Motorcycle SV = Sport Utility Vehicle PC = Police Car/Truck PM = Police Motorcycle TL = Trailer, Semi-Trailer, or Pole Trailer TR = Truck TT = Truck Tractor VN = Van 98 = Other (Explain in Narrative) 99 = Unknown		8. Driver License ID Type 1 = Driver License 2 = Commercial Driver Lic. 3 = Occupational 4 = ID Card 5 = Unissued 93 = Other 99 = Unknown									
9. Driver License Class A = Class A AM = Class A and M B = Class B BB = Class B and M C = Class C CM = Class C and M M = Class M 5 = Unlicensed 98 = Class Out of State 99 = Unknown		10. Commercial Driver License Endorsements H = Hazardous Materials N = Tank Vehicle P = Passenger S = School Bus T = Doubtful/Title Trailer X = Tank Vehicle with HazMat 5 = Unlicensed 98 = None 99 = Other/Out of State 99 = Unknown		11. Driver License Restrictions A = With Corrective Lenses B = LOFS Age 21 or Over C = Daytime Only D = Not to Exceed 45 MPH E = No Expressway Driving F = Must Have Valid Learner Lic. to VM/DMV G = TRC 545.421 Applies until M/DMV H = Vehicle Not to Exceed 75,000 lbs GVWR I = Motorcycle Not to Exceed 250 CC J = Licensed Motorcycle Operator Age 21 or Over in Sight K = Moped L = Vehicle w/o Air Brakes - Applies to Vehicles Requiring CDL M = CDL Interstate Commerce Only N = Ignition Interlock Required O = Occ./Essent. Need DL-No CMV-See Court Order P = Stated on License Q = LOFS 21 or Over Vehicle Above Class B R = LOFS 21 or Over Vehicle Above Class C S = Outside Rear View Mirror or Hearing Aid T = Automatic Transmission U = Applicable Prosthetic Devices V = Applicable Vehicle Devices W = Power Steering X = Vehicle Not to Exceed Class C Y = Valid TX Vision or Umb Waiver Req'd. Z = Valid Fed. Vision or Umb Waiver Req'd. 5 = Unlicensed 98 = None 99 = Other/Out of State 99 = Unknown											
12. Person Type 1 = Driver 2 = Passenger/Occupant 3 = Pedalcyclist 4 = Pedestrian 5 = Driver of Motorcycle Type Vehicle 6 = Passenger/Occupant on Motorcycle Type Vehicle 98 = Other (Explain in Narrative) 99 = Unknown		13. Seat Position 1 = Front Left 2 = Front Center 3 = Front Right 4 = Second Seat Left 5 = Second Seat Center 6 = Second Seat Right 7 = Third Seat Left 8 = Third Seat Center 9 = Third Seat Right 10 = Cargo Area 11 = Outside Vehicle 13 = Other in Vehicle 14 = Passenger in Bus 16 = Pedestrian, Pedalcyclist, or Motorized Conveyance 98 = Other (Explain in Narrative) 99 = Unknown		14. Injury Severity A = Incapacitating Injury B = Non-Incapacitating Injury C = Possible Injury K = Killed N = Not Injured 98 = Unknown		15. Ethnicity W = White B = Black H = Hispanic A = Asian I = Amer. Ind. or Alaska Native 98 = Other 99 = Unknown		16. Sex 1 = Male 2 = Female 98 = Unknown		17. Altered 1 = No 2 = Yes 3 = Yes, Partial 97 = Not Applicable 99 = Unknown					
18. Restraint Used 1 = Shoulder and Lap Belt 2 = Shoulder Belt Only 3 = Lap Belt Only 4 = Child Seat, Facing Forward 5 = Child Seat, Facing Rear 6 = Child Seat, Unknown 7 = Child Booster Seat 98 = None 97 = Not Applicable 99 = Other (Explain in Narrative)		19. Airbag 1 = Not Deployed 2 = Deployed, Front 3 = Deployed, Side 4 = Deployed, Rear 5 = Deployed, Multiple 97 = Not Applicable 99 = Unknown		20. Helmet Use 1 = Not Worn 2 = Worn, Damaged 3 = Worn, Not Damaged 4 = Worn, Unt. Damage 97 = Not Applicable 99 = Unknown if Worn		21. Solicitation Y = Solicit N = No Solicit		22. Alcohol/Drug/Type 1 = Breath 2 = Blood 3 = Urine 4 = Refused 98 = None 99 = Other (Explain in Narrative)		23. Drug Specimen Type 2 = Blood 3 = Urine 4 = Refused 98 = None 99 = Other (Explain in Narrative)		24. Drug Test Result 1 = Positive 2 = Negative 97 = Not Applicable 99 = Unknown		25. Financial Responsibility Type 1 = Liability Insurance Policy 2 = Proof of Liability Insurance 3 = Insurance Binder 4 = Surety Bond 5 = Certificate of Deposit with Comptroller 6 = Certificate of Deposit with County Judge 7 = Certificate of Self-Insurance	
27. Vehicle Damage Rating In most cases, enter in the format XX-ABC-Y, where X is the Direction of Force (1-12), ABC is the Damage Description (1-3 or 3-letter code), and Y is the Damage Severity (0-7). In special cases, use: VB-1 = vehicle turned, NOT due to collision VB-7 = vehicle catches fire due to the collision TP-0 = top damage only VX-0 = undercarriage damage only MC-1 = motorcycle, moped, scooter, etc. NA = Not Applicable (Farm Tractor, etc.) 															

ALL CASE RECORDS SUBJECT TO RETENTION
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS OPEN RECORDS ACT (2007-2010, V.C.S.)
 DATE: 1/1/2010

Texas Peace Officer's Crash Report - Code Sheet

Numbered Fields on the CR-3 Refer to the Numbered Lists on this Code Sheet. Each List includes the codes that may be entered on the form and the description of each code.

Page 2 of 2
Law Enforcement and TxDOT Use ONLY
Form CR-3CS 1/1/2010

28. Vehicle Operation 1 = Interstate Commerce 2 = Interstate Commerce 3 = Not in Commerce 4 = Government 5 = Personal	29. Carrier ID Type 1 = US DOT 2 = TxDOT 3 = ICC/MC 98 = None 99 = Other (Explain in Narrative)	30. Roadway Access 1 = Full Access Control 2 = Partial Access Control 3 = No Access Control	31. Vehicle Type 1 = Passenger Car 2 = Light Truck 3 = Bus (9-15) 4 = Bus (>15) 5 = Single Unit Truck 2 Axes 6 Tires 6 = Single Unit Truck 3 or More Axes 7 = Truck Tractor 8 = Truck Tractor (Bobtail) 9 = Tractor/Semi Trailer 10 = Tractor/Double Trailer 11 = Tractor/Triples Trailer 98 = Other (Explain in Narrative) 99 = Unknown Heavy Truck	32. Hazardous Material Class Number 1 = Explosives 2 = Gases 3 = Flammable Liquids 4 = Flammable Solids 5 = Oxidizers and Organic Peroxides 6 = Toxic Materials and Infectious Substances 7 = Radioactive Materials 8 = Corrosive Materials 9 = Miscellaneous Dangerous Goods
33. Cargo Body Style 1 = Bus (9-15) 2 = Bus (>15) 3 = Van/Enclosed Box 4 = Cargo Tank 5 = Flatbed 6 = Dump 7 = Concrete Mixer	8 = Auto Transporter 9 = Garbage Refuse 10 = Grain Chpts Gravel 11 = Poles 13 = Intermediate 14 = Logging	15 = Vehicle Towing Another Vehicle 97 = Not Applicable 98 = Other (Explain in Narrative)	34. Trailer Type 1 = Full Trailer 2 = Semi-Trailer 3 = Pole Trailer	
35. Sequence of Events 1 = Non-Collision: Ran Off Road 2 = Non-Collision: Jackknife 3 = Non-Collision: Overturn Rollover 4 = Non-Collision: Downhill Runaway 5 = Non-Collision: Cargo Loss or Shift 6 = Non-Collision: Explosion or Fire 7 = Non-Collision: Separation of Units 8 = Non-Collision: Cross Intersection/Collision 9 = Non-Collision: Equipment Failure 10 = Non-Collision: Other 11 = Non-Collision: Unknown 12 = Collision Involving Pedestrian 13 = Collision Involving Motor Vehicle in Transport 14 = Collision Involving Parked Motor Vehicle 15 = Collision Involving Train 16 = Collision Involving Motorcycle 17 = Collision Involving Animal 18 = Collision Involving Fixed Object 19 = Collision With Work Zone Maintenance Equipment 20 = Collision With Other Movable Object 21 = Collision With Unknown Movable Object 98 = Other (Explain in Narrative)				
36. Factors and Conditions 1 = Animal on Road - Domestic 2 = Animal on Road - Wild 3 = Backed without Safety 4 = Changed Lane when Unsafe 5 = Disabled in Traffic Lane 6 = Disregard Stop and Go Signal 7 = Disregard Stop Sign or Light 8 = Disregard Turn Signals at Intersection 9 = Disregard Warning Sign at Construction 10 = Obstruction in Vehicle 11 = Driver Inattention 12 = Drove Without Headlights 13 = Failed to Control Speed 14 = Failed to Drive in Single Lane 15 = Failed to Give Half of Roadway 16 = Failed to Heed Warning Sign 17 = Failed to Pass to Left Safely 18 = Failed to Pass to Right Safely 19 = Failed to Signal or Gave Wrong Signal 20 = Failed to Stop at Proper Place 21 = Failed to Stop for School Bus 22 = Failed to Stop for Train 23 = Failed to Yield ROW - Emergency Vehicle 24 = Failed to Yield ROW - Open Intersection 25 = Failed to Yield ROW - Private Drive 26 = Failed to Yield ROW - Stop Sign 27 = Failed to Yield ROW - To Pedestrian 28 = Failed to Yield ROW - Turning Left 29 = Failed to Yield ROW - Turn on Red 30 = Failed to Yield ROW - Yield Sign 31 = Fatigued or Asleep 32 = Faulty Evacuation Action 33 = Fire in Vehicle 34 = Flooding or Evading Police 35 = Followed Too Closely 36 = Had Been Drinking 37 = Handicapped Driver (Explain in Narrative) 38 = Inappropriate Vehicle (Explain in Narrative) 39 = Improper Start from Parked Position 40 = Load Not Secured 41 = Opened Door into Traffic Lane 42 = Oversized Vehicle or Load 43 = Overtake and Pass Insufficient Clearance 44 = Parked and Failed to Set Brakes 45 = Parked in Traffic Lane 46 = Parked without Lights 47 = Passed in No Passing Lane 48 = Passed on Right Shoulder 49 = Proceeded FTY ROW to Vehicle 50 = Unsafe Speed 51 = Speeding - (Over Limit) 52 = Taking Manoeuvre (Explain in Narrative) 53 = Turned Improperly - Cut Corner on Left 54 = Turned Improperly - Wide Right 55 = Turned Improperly - Wrong Lane 56 = Turned when Unsafe 57 = Under Influence - Alcohol 58 = Under Influence - Drug 59 = Wrong Side - Approach or Intersection 60 = Wrong Side - Not Passing 61 = Wrong Way - One Way Road 62 = Cell/Mobile Phone Use 63 = Road Rage 98 = Other (Explain in Narrative)				
37. Vehicle Defects 1 = Defective or No Headlamps 2 = Defective or No Stop Lamps 3 = Defective or No Tail Lamps 4 = Defective or No Turn Signal Lamps 5 = Defective or No Trailer Brakes 6 = Defective or No Vehicle Brakes 7 = Defective Steering Mechanism 8 = Defective or Bald Tires 9 = Defective Trailer Hitch 98 = Other (Explain in Narrative) 38. Weather Condition 1 = Clear 2 = Cloudy 3 = Rain 4 = Sleet/Hail 5 = Snow 6 = Fog 7 = Blowing Sand/Snow 8 = Severe Crosswinds 98 = Other (Explain in Narrative) 99 = Unknown 39. Light Condition 1 = Daylight 2 = Dark, Not Lighted 3 = Dark, Lighted 4 = Dark, Unknown Lighting 5 = Dawn 6 = Dusk 98 = Other (Explain in Narrative) 99 = Unknown 40. Entering Roads 1 = Three Entering Roads - T 2 = Three Entering Roads - Y 3 = Four Entering Roads 4 = Five Entering Roads 5 = Six Entering Roads 6 = Traffic Circle 7 = Cloverleaf 97 = Not Applicable 98 = Other (Explain in Narrative)				
41. Roadway Type 1 = Two-Way, Not Divided 2 = Two-Way, Divided, Unprotected Median 3 = Two-Way, Divided, Protected Median 4 = One-Way 98 = Other (Explain in Narrative) 42. Roadway Alignment 1 = Straight, Level 2 = Straight, Grade 3 = Straight, Vertical 4 = Curve, Level 5 = Curve, Grade 6 = Curve, Vertical 98 = Other (Explain in Narrative) 99 = Unknown 43. Surface Condition 1 = Dry 2 = Wet 3 = Standing Water 4 = Snow 5 = Slush 6 = Ice 7 = Sand, Mud, Dirt 98 = Other (Explain in Narrative) 99 = Unknown 44. Traffic Control 1 = Inoperative (Explain in Narrative) 2 = Officer 3 = Flagman 4 = Signal Light 5 = Flashing Red Light 6 = Flashing Yellow Light 7 = Stop Sign 8 = Yield Sign 9 = Warning Sign 11 = Corner Stripe/Directional 12 = No Passing Zone 13 = RR Advance Signal 14 = Crosswalk 15 = Stop Line 16 = Marked Lanes 17 = Signal Light with Red Light Running Camera 98 = None 99 = Other (Explain in Narrative)				

ALL CRASH ELEMENTS MUST BE TO BE REMOVED FROM RECORDS
DATE: 1/1/2010

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS

171st JUDICIAL DISTRICT

MARIA LUZ ROSAS,

Plaintiff,

V.

**NICHOLAS JAMES BLOCKER and
ENERGY TRANSPORTATION, INC.,**

Defendants.

Cause No. 2015- DCV3988

**DEFENDANTS NICHOLAS JAMES BLOCKER AND ENERGY
TRANSPORTATION, INC. NOTICE OF REMOVAL TO FEDERAL COURT**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW NICHOLAS JAMES BLOCKER (hereinafter referred to as “Defendant Blocker”) AND ENERGY TRANSPORTATION, INC. (hereinafter referred to as “Defendant Energy Transportation”), Defendants in the above-referenced matter, and submit their notice of Removal to Federal Court and show:

I.

Defendants have removed the above-entitled and captioned clause to the United States District Court, Western District of Texas, El Paso Division.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully pray that the Court, and all parties and all attorneys take notice of the above and foregoing removal, and that no further action be taken in this matter, absent remand.

Respectfully submitted,

**MOUNCE, GREEN, MYERS,
SAFI, PAXSON & GALATZAN**
A Professional Corporation
P.O. Box 1977
El Paso, Texas 79999-1977
(915) 532-2000
(915) 541-1597 (fax)

By: 

Kurt G. Paxson
paxson@mgmsg.com
State Bar No. 15648300

Attorneys for Defendants Nicholas James
Blocker and Energy Transportation, Inc.

CERTIFICATE OF SERVICE

I certify on this the 8 day of January, 2016, the foregoing pleading was electronically filed with the Clerk of the Court using the Texas Electronic Filing Rules, which will send notification of such filing to the following:

Daniela Labinoti
Law Firm of Daniela Labinoti, P.C.
501 N. Kansas, Suite 102
El Paso, TX 79901
daniela@labinotilaw.com


Kurt G. Paxson